

# NAMSDL



**National Alliance for Model State Drug Laws**

**State Monitoring of Prescription Drugs and Methamphetamine Precursors  
Bill Status Update  
October 2008**

**This update includes summaries of bills related to electronic tracking systems for retail sales of ephedrine and pseudoephedrine products.**

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**Please Note: The first portion of this report provides a listing of all relevant bills and resolutions and each measure's status in its respective legislature. The second portion provides more detailed summaries of bills and resolutions that have progressed significantly through the legislative process (i.e. have passed at least one body of a state legislature, are in a conference committee, have been sent to a governor, are approved/enacted). Enacted measures that do not require detailed summaries are ONLY included in the first section of this report.**

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#### **ALABAMA**

- HB 328 – **Enacted** (5/8/08) – An appropriations measure that includes \$525,688 for the Controlled Substance Database Fund
- HB 495 – Read Second Time in Senate (4/3/08) – Amends the reporting requirements and access provisions of the state's Prescription Drug Monitoring Program
- HB 33 – Pending Committee Action in House (5/27/08) – Exempts physicians treating patients in emergency areas of hospitals from the reporting requirements for dispensing controlled substances if it is a limited amount; allows out of state prescription drug monitoring programs to access Alabama's PMP database
- SB 132 – Read Second Time in Senate (5/28/08) - Exempts physicians treating patients in emergency areas of hospitals from the reporting requirements for dispensing controlled substances if it is a limited amount; allows out of state prescription drug monitoring programs to access Alabama's PMP database
- SB 31 – Pending Committee Action (5/29/08) - Exempts physicians treating patients in emergency areas of hospitals from the reporting requirements for dispensing controlled substances if it is a limited amount; allows out of state prescription drug monitoring programs to access Alabama's PMP database

#### **ALASKA**

- SB 196 – **Enacted** Without Governor's Signature (6/10/08) – Establishes a controlled substance prescription database
- HB 316 – Referred to House Judiciary Committee (2/8/08) – Establishes a controlled substance prescription database
- HB 343 – Referred to House Finance Committee (1/30/08) – An appropriations measure that includes prescription drug monitoring
- SB 256 – **Approved** With Partial Vetoes and Reductions (4/4/08) – An appropriations measure that includes \$49,436 for prescription drug monitoring
- HB 310 – **Approved** With Partial Vetoes and Reductions (5/30/08) – An appropriations measure that includes both \$400,000 for the Department of Commerce, Community and

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## **ALASKA (continued)**

- Economic Development and \$86,000 for the Department of Health and Human Services for the state's Prescription Database (established by SB 196)

## **ARIZONA**

- HB 2553 – Second House Reading (1/30/08) – Authorizes the release of prescription data to the animal services divisions of the department of agriculture

## **CALIFORNIA**

- SB 1779 – Vetoed by Governor (9/27/08) – Adds clinics to the list of entities required to report prescription data

## **CONNECTICUT**

- SB 514 – Moved to Foot of Calendar (4/3/08) – Authorizes a Connecticut-licensed pharmacist to dispense prescriptions kept in a common database and provides that a pharmacist dispensing a prescription through a common database has the right and obligation to exercise his/her professional judgment about dispensing a prescription

## **FLORIDA**

- HB 1011 – Died in Committee (5/2/08) – Establishes an electronic monitoring system for dispensing controlled substances
- SB 1388 – Died in Committee (5/2/08) – Requires the Department of Law Enforcement to provide retailers of methamphetamine precursors with access to a centralized real-time electronic logbook for purposes of entering transaction data
- SB 1390 – Died in Committee (5/2/08) – Provides an exemption from public-records requirements for information concerning the retail sale of ephedrine and related compounds
- SB 2724 – Combined with SB 1550 (4/1/08) – Requires the Department of Health to establish an electronic system to monitor the prescribing and dispensing of controlled substances
- SB 1550 – Died in Committee (5/2/08) – Facilitates the design and operation of a website that would give health care practitioners, pharmacies and pharmacists access to patient medication history through a privacy-protected website
- SB 2782 – Combined with SB 1540 (4/1/08) – Exempts information reported to the Department of Health under the electronic prescription monitoring system from public records requirements; authorizes certain persons to access patient-identifying information
- SB 1540 – Died in Committee (5/2/08) – Exempts information reported to agencies that have access to or who operate the privacy-protected website containing patient-identifying information from public records requirements
- HB 1243 – Died in Committee (5/2/08) – Exempts information reported to the Department of Health under the electronic prescription monitoring system from public records requirements; authorizes certain persons to access patient-identifying information

## FLORIDA (continued)

- HB 1347 – Died in Committee (5/2/08) – Establishes an electronic system for monitoring prescriptions for specific controlled substances within Broward County

## GEORGIA

- HB 455 – Passed House, Read and Referred in Senate (2/27/08) – Enacts the Prescription Monitoring Act
- SB 457 – Read and Referred in Senate (2/13/08) – Establishes the “MethCheck” database for electronically recording the identity of individuals who purchase certain medications used in the production of methamphetamine
- SR 1093 – **Passed & Adopted** (4/2/08) – Creates a study committee for the creation of a “MethCheck” database

## HAWAII

- HB 3404 – Introduced and Referred (1/25/08) – Requires the Narcotics Enforcement Division of the Department of Public Safety to maintain an electronic purchase logbook for sales of pseudoephedrine and related substances
- HB 2345 – Re-referred to Health Judiciary and Finance Committees (1/25/08) – Requires pharmacies and retailers of controlled substances to record and forward information about pseudoephedrine sales to the Narcotics Enforcement Division; requires the Division to maintain an electronic purchase logbook
- HB 2530 – Report Adopted (2/15/08) – Requires the Narcotics Enforcement Division of the Department of Public Safety to maintain an electronic purchase logbook for sales of pseudoephedrine and related substances
- HB 3018 – Referred to Health Judiciary Committee (1/25/08) - Requires the Narcotics Enforcement Division of the Department of Public Safety to maintain an electronic purchase logbook for sales of pseudoephedrine and related substances
- SB 2373 – **Enacted** (6/17/08) – Requires pharmacies and retailers to maintain an electronic log of sales of pseudoephedrine and related products and transmit that information to the Department of Public Safety Narcotics Enforcement Division
- SB 2130 – Committee Deferred on the Measure (2/5/08) - Requires the Narcotics Enforcement Division of the Department of Public Safety to maintain an electronic purchase logbook for sales of pseudoephedrine and related substances
- SB 1043 – Carried Over from 2007 Session (8/27/07) – Requires pharmacies and retailers of controlled substances to forward to the Narcotics Enforcement Division required identification information of the purchasers of pseudoephedrine; requires the division to maintain an electronic purchase log of the information and make it accessible to law enforcement agencies for the prosecution of operators of clandestine methamphetamine labs
- HB 677 – Carried Over from 2007 Session (8/27/07) – Requires electronic logs of pseudoephedrine sales to be made in real time and maintained for 2 years in a form searchable by law enforcement

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## IDAHO

- HB 389 – **Governor Signed** (3/17/08) – Amends provisions related to whom prescription database information is available

## ILLINOIS

- HB 5250 – Re-referred to Rules Committee (3/14/08) – Prohibits the licensure, transference, use or sale of any records relative to prescription information containing patient-identifiable or prescriber-identifiable data
- SB 2023 – Adopted (8/21/08) – Amends methamphetamine precursor sales reporting requirements by stating that pharmacies covered by the state's Williamson County Pilot Program are required to transmit electronic transaction records or handwritten logs to the Pilot Program Authority

## IOWA

- HF 2265 – Referred to Judiciary (3/10/08) – Requires the establishment of a real-time electronic repository to monitor and control the sale of Schedule V products containing any detectable amount of pseudoephedrine, ephedrine or phenylpropanolamine
- SSB 3015 – Recorded (1/15/08) - Requires the establishment of a real-time electronic repository to monitor and control the sale of Schedule V products containing any detectable amount of pseudoephedrine, ephedrine or phenylpropanolamine

## KANSAS

- SB 491 – **Approved by Governor** (4/21/08) – Enacts the Prescription Monitoring Act
- SB 503 – Referred to Public Health & Welfare (1/30/08) – Enacts the Methamphetamine Precursor Recording Act

## KENTUCKY

- HB 48 – Posted in Committee (1/17/08) – Establishes an application process for receiving data from the electronic system for monitoring controlled substances and prohibits the process from requiring personal identifying data
- HB 762 – Posted in Committee (3/7/08) – Amends the state's electronic prescription monitoring system by providing for the establishment of a supplemental database consisting of reports of positive drug screens

## LOUISIANA

- SCR. 102 – Sent to Secretary of State (6/23/08) – Directs the Louisiana Board of Pharmacy to report on the status of the Prescription Monitoring Program
- HCR. 199 – Read and Returned to Calendar (6/16/08) - Directs the Louisiana Board of Pharmacy to report on the status of the Prescription Monitoring Program

## MAINE

- LD 2032 – Dead and Placed in Legislative Files (4/2/08) – Provides for the transfer of \$150,000 from the General Fund for the purpose of administering a prescription drug monitoring program

## MARYLAND

- HB 525 – **Approved by the Governor** (4/24/08) – Establishes an Advisory Council on Prescription Drug Monitoring
- SB 401 – Unfavorably Reported by Committee (2/25/08) – Establishes a real-time statewide electronic logbook to record transactions involving sales of methamphetamine precursors

## MASSACHUSETTS

- HB 5022 – Signed by the Governor with Partial Vetoes (8/8/08) – Establishes a special commission to study, among other issues, enhancements to the commonwealth's prescription monitoring program so that data collected is a preventable resource for prescribers, law enforcement and treatment professionals
- SB 2857 – Introduced and Reprinted as New Text for HB 5022 (7/30/08) - Establishes a special commission to study, among other issues, enhancements to the commonwealth's prescription monitoring program so that data collected is a preventable resource for prescribers, law enforcement and treatment professionals
- SB 2600 – Reported from Committee on Ways and Means (5/14/08) - Establishes a special commission to study, among other issues, enhancements to the commonwealth's prescription monitoring program so that data collected is a preventable resource for prescribers, law enforcement and treatment professionals
- SB 2714 – Substituted as New Text for SB 2600 (5/22/08) - Establishes a special commission to study, among other issues, enhancements to the commonwealth's prescription monitoring program so that data collected is a preventable resource for prescribers, law enforcement and treatment professionals

## MINNESOTA

- HF 4176 – First Reading (4/7/08) – Modifies the prescription electronic reporting system by 1) removing veterinarians who dispense prescriptions from the list of dispensers required to report prescription data 2) adding prescription number and address of the patient to the list of data that must be submitted
- SF 3761 – First Reading (3/17/08) - Modifies the prescription electronic reporting system by 1) removing veterinarians who dispense prescriptions from the list of dispensers required to report prescription data 2) adding prescription number and address of the patient to the list of data that must be submitted
- SF 2941 – **Adopted** (5/15/08) – Amends the state's Schedule II and III Controlled Substances Prescription Electronic Reporting System

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## MISSISSIPPI

- HB 845 – Dead in Committee (2/19/08) – Amends the state’s computerized program for tracking controlled substance prescriptions; brings the program into compliance with federal guidelines and HIPAA law
- HB 575 – Dead in Committee (2/19/08) – Requires the Mississippi Justice Information Center to implement and maintain records from real-time electronic logbooks of pharmacies to monitor the sale of methamphetamine precursors
- SB 2713 – **Approved by Governor** (5/8/08) – Amends the statute that authorizes the development and implementation of a computerized program to track prescriptions for controlled substances

## MISSOURI

- SB 724 – **Adopted** (6/10/08) - Requires the maintenance of electronic logs of transactions involving the sale of methamphetamine precursors
- SB 732 – On Senate Calendar for Third Reading (5/16/08) – Establishes a drug monitoring program in the Department of Public Health and Senior Services; requires the maintenance of electronic logs of transactions involving the sale of methamphetamine precursors
- HB 1619 – Reported to House With Amendments (4/30/08) – Establishes a drug monitoring program in the Department of Health and Senior Services; requires those who sell pseudoephedrine products to keep an electronic log of each transaction involving sales of PSE
- HB 2033 – Referred to Special Committee on Healthcare Transformation (2/28/08) – Establishes the Drug Monitoring Act; requires those who sell pseudoephedrine products to keep an electronic log of each transaction
- SB 1063 – Second Reading; Referred to Senate Pensions, Veterans’ Affairs and General Laws Committee (2/4/08) – requires that logs of methamphetamine precursor purchases be kept in an electronic (not written) format.
- HB 1927 – Referred to Crime Prevention and Public Safety (4/10/08) – Authorizes the State Highway Patrol to develop and implement a real-time electronic logbook to monitor the sale of Schedule V substances containing pseudoephedrine
- HB 1889 – Referred to Crime Prevention and Public Safety Committee (2/21/08) – Requires the State Highway Patrol to provide all pharmacies in the state access to a real-time electronic logbook to enter sales of pseudoephedrine products
- HB 1592 – Referred to Crime Prevention and Public Safety (2/28/08) – Establishes the Drug Monitoring Act
- HB 1489 – Referred to Crime Prevention and Public Safety Committee (1/17/08) – Establishes the Drug Monitoring Act

## NEW HAMPSHIRE

- HB 630 – Inexpedient to Legislate (1/23/08) – Establishes the electronic controlled drug prescription monitoring program

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## NEW JERSEY

- SB 1604 – **Enacted** (1/4/08) – Establishes a Prescription Monitoring Program in the Division of Consumer Affairs
- AB 1934 – Introduced (1/28/08) – Requires electronic recording of purchases of over-the-counter drugs used to manufacture methamphetamine

## NEW YORK

- AB 3056 – Held for Consideration in Codes (4/29/08) – Provides for the development of a tracking and reporting system in retail establishments to monitor the purchase of precursor medications and chemicals
- AB 2686 – Reference Changed to Health (2/6/08) – Establishes a controlled substances prescription tracking program
- SB 1308 – Referred to Health (1/9/08) – Establishes a controlled substances prescription tracking program
- SB 6946 – Referred to Finance (2/12/08) – Requires that sales of ephedrine, pseudoephedrine and phenylpropanolamine be kept electronically by retailers
- AB 9804 – Substituted by SB 6804 (3/31/08) – Appropriates \$400,000 for the administration of a controlled prescription drug monitoring program
- SB 6804 – **Signed by the Governor** (4/23/08) – Appropriates \$400,000 for the administration of a controlled prescription drug monitoring program
- SB 8185 – Passed Senate and Referred to Assembly Codes Committee (6/24/08) – Amends public health law in relation to the sale, distribution and dispensation of controlled substances
- AB 11690 – Reported and Referred to Rules (6/24/08) - Amends public health law in relation to the sale, distribution and dispensation of controlled substances

## NORTH CAROLINA

- HB 2163 – Re-referred to Committee on Rules (6/17/08) – Creates a legislative study committee on expanding access to the prescription drug database to include Pitt County Sheriff and Deputy Sheriffs
- SB 1605 – Referred to Judiciary (5/15/08) – Authorizes the Sheriff and appropriate Deputy Sheriffs in Pitt County to access the prescription drug database
- HB 2292 – Re-referred to Judiciary Committee (6/12/08) – Authorizes the Sheriff and appropriate Deputy Sheriffs in Moore and Henderson Counties to access the prescription drug database
- HB 2431 – **Adopted** (8/4/08) - Authorizes a legislative study committee on expanding access to the prescription drug database to include County Sheriffs and Deputy Sheriffs



## SOUTH CAROLINA

- SB 1043 - Referred to Committee on Medical Affairs (1/30/08) – Creates a statewide real-time electronic logbook for recording sales of ephedrine, pseudoephedrine and phenylpropanolamine
- SB 1031 – Referred to Committee on Medical Affairs (1/24/08) – Requires the establishment of an electronic log for recording sales of methamphetamine precursors

## TENNESSEE

- HB 4122 – Substituted by SB 4166 (5/1/08) – Adds employees of the Bureau of TennCare, who are actively engaged in analysis of controlled substances prescription information, to the list of those to whom prescription data may be disclosed
- SB 4166 – **Enacted** (5/14/08) - Adds employees of the Bureau of TennCare, who are actively engaged in analysis of controlled substances prescription information, to the list of those to whom prescription data may be disclosed
- HB 3566 – Referred to Government Committee (1/28/08) – Provides that the controlled substance database advisory committee will terminate on June 30<sup>th</sup>, 2012
- SB 2474 – Referred to Government Operations Committee (1/10/08) - Provides that the controlled substance database advisory committee will terminate on June 30<sup>th</sup>, 2012
- HB 436 – Taken Off Notice for Calendar (4/9/08) – Requires the Bureau of Investigation to maintain a real-time statewide electronic purchase log of methamphetamine precursor sales
- SB 298 – Senate Reset on Calendar (3/25/08) - Requires the Bureau of Investigation to maintain a real-time statewide electronic purchase log of methamphetamine precursor sales

## UTAH

- HB 119 – **Governor Signed** (3/18/08) – Proposes amendments to the state's prescription monitoring statutes
- HB 267 – Enacting Clause Struck (3/5/08) – Requires that the Division of Occupational and Professional Licensing provide for the reporting of transactions involving methamphetamine precursors to the controlled substance database
- HB 3 – **Governor Signed** (3/20/08) – Appropriates \$650,000 for the Controlled Substance Database

## VIRGINIA

- SB 397 – Stricken at the Request of the Patron in Courts of Justice (1/30/08) – Requires that sellers maintain electronic (not written) logbooks to record sales of methamphetamine precursors

## WASHINGTON

- HB 1553 – Reintroduced (1/14/08) – Requires that the Department of Health establish and maintain a web-based interactive prescription monitoring program
- HB 1797 – Reintroduced (1/14/08) – Designates responsibilities to the workgroup for the pilot project to record retail transactions involving ephedrine, pseudoephedrine or phenylpropanolamine
- SB 5973 – Reintroduced (1/14/08) – Requires that the Department of Health establish and maintain a web-based interactive prescription monitoring program
- HB 2687 – **Approved and Partially Vetoed** (4/1/08) – Appropriates \$680,000 for the prescription monitoring program

## WEST VIRGINIA

- SB 647 - Referred to Judiciary (2/12/08) – Gives sheriffs and their designees the right to view the information contained in the State Board of Pharmacy's database
- SB 468 - Referred to Health & Human Resources (1/28/08) – Authorizes county sheriffs to have access to the State Board of Pharmacy database
- HB 4142 – Referred to Health and Human Resources (1/23/08) – Requires pain management physicians to conduct inquiries through the West Virginia Prescription Monitoring Database for all patients receiving Schedule II through Schedule IV controlled substances
- SB 306 – Referred to Health and Human Resources (1/23/08) – Allows certain authorized probation and parole officers to access controlled substance database information
- SCR 87 – Referred to Health and Human Resources (3/7/08) – Requests that the Legislative Oversight Commission on Health and Human Resources Accountability study allowing access to the State Board of Pharmacy controlled substances database by entities not currently granted access
- HCR 74 – Referred to Health and Human Resources (3/5/08) – Requests that the Joint Committee on Government and Finance study the need for a comprehensive, collaborative entity made up of experts in prevention, treatment and intervention to plan and coordinate the state's response to the problem of substance abuse

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### **Alabama: HB 495 – Read Second Time in Senate (4/3/08) - Amends the reporting requirements and access provisions of the state's Prescription Drug Monitoring Program**

**HB 495** seeks to amend the state's Prescription Drug Monitoring Program. The bill exempts physicians who treat patients in hospital emergency departments from reporting their dispensation of controlled substances, provided the amount dispensed is adequate for 48 hours of treatment or less. This measure would additionally grant access to the information in the controlled substances database to the drug monitoring programs of any other states or territories if such programs are recognized by the Alliance for Prescription Drug Monitoring Programs.

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**Alaska: SB 196 – Enacted Without Governor’s Signature (6/10/08) – Establishes a controlled substance prescription database**

**SB 196** seeks to establish a controlled substance prescription database within the State Board of Pharmacy. The purpose of the program is to contain data on every prescription for a Schedule IA, IIA, IIIA, IVA or VA controlled substance under state law as well as any Schedule I-V controlled substance under federal law dispensed in the state. The following information for each prescription dispensed must be included in the database: the name of the prescribing practitioner and the practitioner’s DEA registration number, the date of the prescription, the date the prescription was filled and the method of payment, the name/address/date of birth of the person for whom the prescription was written, the name and national drug code of the controlled substance, the quantity and strength of the controlled substance dispensed, the name of the drug outlet dispensing the controlled substance and the name of the pharmacist or practitioner dispensing the controlled substance. The database will facilitate the identification of 1) prescribing practices and patterns 2) practitioners who prescribe controlled substances in an unprofessional or unlawful manner 3) individuals who receive prescriptions for controlled substances from licensed practitioners and who subsequently obtain dispensed controlled substances from a drug outlet in quantities or with frequency inconsistent with generally recognized standards of dosage for that controlled substance 4) individuals who present forged or otherwise false or altered prescriptions for controlled substances to a pharmacy. Information contained in the database is confidential and not subject to public disclosure. The board of pharmacy may allow access to personnel of the board for inquiries about licensees and registrants, board personnel or contractors for operational review purposes, a licensed practitioner, a licensed or registered pharmacist, law enforcement authorities and an individual who is the recipient of a controlled substance.

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**Georgia: HB 455 – Passed House, Read and Referred in Senate (2/27/08) – Enacts the Prescription Monitoring Act**

**HB 455** seeks to enact the Georgia Prescription Monitoring Program Act, intended to improve the state’s ability to identify and stop diversion of prescription drugs in a way that does not impede the legitimate medical use of controlled substances. The program would cover Schedule II, III and IV controlled substances. Under the program, controlled substance dispensers will be required to electronically submit information regarding each dispensed prescription, including but not limited to their U.S. DEA permit number or approved dispenser facility identification number, date the prescription was filled, prescription number, whether the prescription is new or a refill, the National Drug Code for the drug dispensed, the quantity dispensed, the number of days supply of the drug, patient’s name, patient’s address, patient’s date of birth, prescriber identification number, date the prescription was issued and other data elements consistent with standards established by the American Society for Automation in Pharmacy. Submitted information will be confidential and available only under a limited set of enumerated circumstances to certain authorized persons or entities. The board

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**Georgia HB 455 continued** - may provide collected data to persons authorized to prescribe or dispense controlled substances, to the person the information concerns, the State Board of Medical Examiners, law enforcement authorities, upon court order and to agency personnel for administration and enforcement of this law. **HB 455** further establishes a Prescription Monitoring Program Advisory Committee for purposes of consulting with and advising the board on issues related to establishment, maintenance and operation of the prescription monitoring program.

**Georgia: SR 1093 – Passed & Adopted (4/2/08) – Creates a study committee for the creation of a “MethCheck” database**

**SR 1093** resolves to create a Senate Study Committee for the creation of the Georgia MethCheck Data Base, to be comprised of five members of the Senate to be appointed by the President of the Senate. The committee is specifically tasked with considering the need for a MethCheck Data Base, the possible operation of the Data Base and the types of information that shall be stored in the Data Base. The resolution cites abuse and illicit manufacture of methamphetamine, the lack of an electronic logbook to record precursor sales and other states’ legislative activity in this arena as reasons for establishing the Data Base.

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**Hawaii: SB 2373 – Enacted (6/17/08) – Requires pharmacies and retailers to maintain an electronic log of sales of pseudoephedrine and related products and transmit that information to the Department of Public Safety Narcotics Enforcement Division**

**SB 2373** requires pharmacies and retailers to record the following information pertaining to sales of pseudoephedrine precursors in electronic logs: the date of any transaction, the name/address/date of birth of the person, the type of identification provided by the individual obtaining the substance, the agency issuing the identification that was used and the name and amount of the compound/mixture/preparation. Pharmacies and retailers must record the information on an electronic worksheet using software provided by the narcotics enforcement division and must electronically mail the worksheet records to the division once a month. Information must be maintained for a period of two years and the log must be capable of being checked for compliance against all state and federal laws to ensure comprehensive compliance.

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**Idaho: HB 389 – Governor Signed (3/17/08) – Amends provisions related to whom prescription database information is available**

**HB 389** adds prosecuting attorneys, deputy prosecuting attorneys and special prosecutors of a county or city and special assistant attorneys general from the office of the attorney general engaged in enforcing law regulating controlled substances to the list of individuals who may access prescription database information.

**Kansas: SB 491 – Approved by Governor (4/21/08) – Enacts the Prescription Monitoring Act**

**SB 491** seeks to enact the Prescription Monitoring Program Act to monitor all Schedule II, III and IV controlled substances dispensed in the state or to an address in the state. For each prescription, dispensers must submit the following information: dispenser identification number, date the prescription was filled, the prescription number, whether the prescription is new or a refill, the national drug code for the drug dispensed, the quantity dispensed, the number of days supply of the drug, the patient's identification number, the patient's name, the patient's address, the patient's date of birth, the prescriber identification number, the date the prescription was issued by the prescriber and the source of the payment for the prescription. The information contained in the database is confidential and not subject to the state open records act. The board of pharmacy is authorized to provide data to the following: persons authorized to prescribe or dispense scheduled substances, an individual who requests his/her own information; designated representatives from professional licensing/certification/regulatory agencies, law enforcement authorities, designated representatives from the Kansas health policy authority, persons authorized by subpoena, personnel from the prescription monitoring program advisory committee and personnel of the board. **SB 491** further creates a prescription monitoring program advisory committee and a methamphetamine precursor scheduling task force. The precursor task force shall study the possibility and practicability of making methamphetamine precursors Schedule III or IV drugs. The bill also creates a veterinary prescription monitoring task force, which shall study and determine whether to require veterinarians to report to the prescription monitoring program.

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**Louisiana: SCR 102 - to Secretary of State (6/23/08) – Directs the Louisiana Board of Pharmacy to report on the status of the Prescription Monitoring Program**

**SCR 102** requires the Louisiana Board of Pharmacy to appear before a joint meeting of the Senate Judiciary Committee and the House Criminal Justice Committee to report on the Prescription Monitoring Program. The status report must include updates on the naming of the advisory council, updates on any contracts entered into by the board in order to implement and maintain the program, updates on grants the board received to implement the program, updates on any self-generated revenue, updates on local/state/federal funding received, a report of the controlled substances currently being monitored, updates on the utilization of the data collected, the method of design and implementation of an evaluation component and the identification of any local/state/federal programs that are being duplicated by the state PMP program.

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## **Maryland: HB 525 – Approved by the Governor (4/24/08) – Establishes an Advisory Council on Prescription Drug Monitoring**

**HB 525** establishes an Advisory Council on Prescription Drug Monitoring in the Department of Health and Mental Hygiene. The Council is tasked with making recommendations that assist in the identification/treatment/prevention of prescription drug abuse, the identification and investigation of unlawful prescription drug diversion, promoting the balanced use of prescription drug monitoring data to assist law enforcement activities, and promoting appropriate and real-time access to prescription drug monitoring data by dispensers and prescribers. The Council must identify the drugs to be monitored, identify the types of dispensers that must report data, determine the data that must be submitted, determine the process for submitting the data, specify recipients authorized to receive data, identify the circumstances under which data are provided to a recipient, identify the circumstances under which an authorized representative may disclose data, determine how to ensure the information is kept confidential, define the process for interpreting data, determine the most efficient operation of a monitoring program, determine the cost and sources of funds for operating the program, determine whether establishment and operation of a program is feasible without additional cost to dispensers and recipients, determine a timeline for establishing and implementing a program, identify the types of education and training needed to implement a program, determine the need for immunity from liability and determine the need for penalties associated with violations of the program's requirements.

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## **Minnesota: SF 2941 - Adopted (5/15/08) – Amends the state's Schedule II and III Controlled Substances Prescription Electronic Reporting System**

SF 2941 amends several provisions of Minnesota's Controlled Substances Electronic Reporting System. This measure 1) excludes veterinarians from the definition of dispenser; 2) adds prescription number, address of patient for whom prescription was written and number of days supply to the list of data elements that dispensers must report; 3) increases the size of the Advisory Committee by including a representative from a professional nursing association and a representative from a professional dental association; and 4) requires the board to submit an evaluation of the system by January 2011, instead of 2010.

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**Mississippi: SB 2713 – Approved by Governor (5/8/08) – Amends the statute that authorizes the development and implementation of a computerized program to track prescriptions for controlled substances**

**SB 2173** expands Mississippi law as it relates to the development and implementation of a computerized program to track controlled substance prescriptions. Prescriptions tracked include those for all Schedule II, III, IV and V controlled substances as well as specific non-controlled substances dispensed to residents in the state by licensed pharmacies, nonresident pharmacies, institutions, dispensing practitioners and veterinary dispensers. The program will provide information regarding the potential inappropriate use of controlled substances to practitioners, pharmacists and appropriate state agencies for purposes of preventing the inappropriate or illegal use of such controlled substances. The collected data will be confidential and not subject to the federal Freedom of Information Act or the state's open records act.

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**Missouri SB 724 – Adopted (6/10/08) - Requires the maintenance of electronic logs of transactions involving the sale of methamphetamine precursors**

**SB 724** requires sellers of methamphetamine precursors to maintain electronic logs of each transaction involving a precursor. The log shall include the name/address/signature of the purchaser, the amount of the compound/mixture/preparation purchased, the date and time of each purchase and the name or initials of the pharmacist/intern pharmacist/registered pharmacy technician who dispensed the substance. Pharmacies must submit log information in accordance with the transmission methods and frequency established by the department of regulation.

**Missouri: SB 732 – On Senate Calendar for Third Reading (5/16/08) – Establishes a drug monitoring program in the Department of Public Health and Senior Services; requires the maintenance of electronic logs of transactions involving the sale of methamphetamine precursors AND HB 1619 – Reported to House With Amendments (4/30/08) –requires those who sell pseudoephedrine products to keep an electronic log of each transaction involving sales of PSE**

**SB 732 AND HB 1619** direct the Department of Health and Senior Services to establish and maintain a program for the monitoring of prescribing and dispensing of all schedule II-V controlled substances (with the exception of schedule V substances containing any detectable amount of pseudoephedrine that do not require a prescription). Each controlled substance dispenser must submit the following data for each prescription dispensed: the dispenser's U.S. DEA registration number, the date the drug is dispensed or the prescription is filled, the prescription number, whether the prescription is new or a refill, the NDC code for the drug dispensed, the number of days supply of the drug, the quantity dispensed, the patient's name/address/date of birth, the prescriber's U.S. DEA registration number, the date the prescription was issued by the prescriber and the source of payment for the drug. Submitted information is confidential and not subject to public disclosure. The Department may provide collected data to persons authorized to prescribe or dispense controlled substances for purposes of

**Missouri S.B. 732 AND HB 1619 continued** - providing patient care, individuals requesting their own data, the state board of pharmacy, any state board charged with regulating a profession that has prescribing authority, law enforcement entities, the department of social services regarding HealthNet participants, a judge under court order, Department of Health and Senior Services personnel and the Department of Mental Health regarding program recipients receiving services. **SB 732 AND HB 1619** further require sellers of methamphetamine precursors to maintain electronic logs of each transaction involving a precursor. The log shall include the name/address/signature of the purchaser, the name and amount of the product sold, the date and time of each purchase and the name or initials of the person selling the product.

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**New Jersey: SB 1604 – ENACTED (1/4/08) – Establishes a Prescription Monitoring Program in the Division of Consumer Affairs**

**SB 1604** establishes a prescription monitoring program in the Division of Consumer Affairs, consisting of an electronic system for monitoring controlled dangerous substances dispensed in or into the State by pharmacists in an outpatient setting. At specified intervals, each pharmacist must submit by electronic means information about each dispensed controlled substance prescription. Submissions must include the first name, last name and date of birth of the patient for whom the medication is intended, the patient's street address and telephone number, the date that the medication is dispensed, the number or designation identifying the prescription and National Drug Code of the medication, the pharmacy permit number of the dispensing pharmacy, the prescribing practitioner's name and DEA registration number, the name/strength/quantity of the medication, the number of refills ordered, whether the drug was dispensed as a refill or a new prescription, the date the prescription was issued by a practitioner and other information deemed necessary. The Division of Consumer Affairs must maintain procedures to ensure the privacy and confidentiality of patients and collected patient information. Collected information may be provided to the following entities: practitioners authorized to prescribe controlled dangerous substances, pharmacists authorized to dispense controlled dangerous substances, representatives from designated state boards, law enforcement officers, Medicaid or other program representatives, grand juries, authorized division personnel and the controlled substances monitoring program in another state with which the division has established an interoperability agreement.

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**New York: SB 8185 – Passed Senate and Referred to Assembly Codes Committee (6/24/08) – Amends public health law in relation to the sale, distribution and dispensation of controlled substances**

**SB 8185** proposes additions and amendments, to several New York statutes that serve as the basis for the state's prescription monitoring program. A new section relative to disclosure of certain records, reports and information to other states outlines that the commissioner is only authorized to disclose those records/reports/information to another state's controlled substance monitoring program or another authorized agency with which the department has established an interoperability agreement under the following circumstances:

- Pursuant to judicial subpoena or court order in a criminal investigation;
- To a government agency, department or board in another state that deals in controlled substances;
- To another state's controlled substance monitoring program or another authorized agency with whom the department has established an interoperability agreement for purposes of informing a practitioner that a person under his treatment with a controlled substance may also be under treatment with a controlled substance by another practitioner; and
- To another state's controlled substance monitoring program or another authorized agency with whom the department has established an interoperability agreement to inform a pharmacy in another state that a person who is obtaining a controlled substance at that pharmacy has also obtained controlled substances at another pharmacy.

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**Utah: HB 119 – Governor Signed (3/18/08) – Proposes amendments to the state's prescription monitoring statutes**

**HB 119** provides for education of the public regarding the purpose of the Controlled Substance Database and the requirement that a person's name and prescription information be recorded in the database when that person fills a prescription for a Schedule II through V controlled substance.

**HB 119** adds state and local prosecutors to the list of persons who can access the controlled substances database.

**HB 119** seeks to establish a pilot program for real-time reporting of data to, and access to, the controlled substance database by a pharmacy, pharmaceutical facility or a prescribing practitioner.