

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 340

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO
2 REVISE THE LIST OF SCHEDULE I CONTROLLED SUBSTANCES; REPEALING SECTION
3 37-2714, IDAHO CODE, RELATING TO REPUBLISHING OF SCHEDULES; REPEAL-
4 ING SECTION 37-2721, IDAHO CODE, RELATING TO ORDER FORMS; AMENDING
5 SECTION 37-2722, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSU-
6 ING, DISTRIBUTING AND DISPENSING OF CONTROLLED SUBSTANCES; REPEALING
7 SECTION 37-2723, IDAHO CODE, RELATING TO FORM AND CONTENT OF PRESCRIP-
8 TIONS; REPEALING SECTION 37-2724, IDAHO CODE, RELATING TO ORDERS FOR
9 A SCHEDULE II SUBSTANCE; AMENDING SECTION 37-2725, IDAHO CODE, TO RE-
10 VISE PROVISIONS REGARDING PRESCRIPTION DRUG ORDER BLANKS; AMENDING
11 SECTION 37-2727, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTROLLED
12 SUBSTANCES IN OPIOID TREATMENT PROGRAMS; AMENDING SECTION 37-2731,
13 IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTROLLED SUBSTANCE PACK-
14 AGE LABELS; AND AMENDING SECTION 37-2734, IDAHO CODE, TO REVISE A CODE
15 REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.
16

17 Be It Enacted by the Legislature of the State of Idaho:

18 SECTION 1. That Section 37-2705, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 37-2705. SCHEDULE I. (a) The controlled substances listed in this sec-
21 tion are included in schedule I.

22 (b) Any of the following opiates, including their isomers, esters,
23 ethers, salts, and salts of isomers, esters, and ethers, unless specifically
24 excepted, whenever the existence of these isomers, esters, ethers and salts
25 is possible within the specific chemical designation:

26 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-pip-
27 eridinyl]-N-phenylacetamide);

28 (2) Acetylmethadol;

29 (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylac-
30 etamide);

31 (4) Allylprodine;

32 (45) Alphacetylmethadol (except levo-alphacetylmethadol also known as
33 levo-alpha-acetylmethadol, levomethadyl acetate or LAAM);

34 (56) Alphameprodine;

35 (67) Alphamethadol;

36 (78) Alpha-methylfentanyl;

37 (89) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
38 piperidinyl]-N-phenylpropanamide);

39 (910) Benzethidine;

40 (101) Betacetylmethadol;

41 (112) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperid-
42 inyl]-N-phenylpropanamide);

1 (123) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-
2 3methyl-4-piperidinyl)-N-phenylpropanamide);
3 (134) Betameprodine;
4 (145) Betamethadol;
5 (156) Betaprodine;
6 (167) Clonitazene;
7 (178) Dextromoramide;
8 (189) Diampromide;
9 (1920) Diethylthiambutene;
10 (201) Difenoxin;
11 (212) Dimenoxadol;
12 (223) Dimepheptanol;
13 (234) Dimethylthiambutene;
14 (245) Dioxaphetyl butyrate;
15 (256) Dipipanone;
16 (267) Ethylmethylthiambutene;
17 (278) Etonitazene;
18 (289) Etoxeridine;
19 (2930) Furethidine;
20 (301) Hydroxypethidine;
21 (312) Ketobemidone;
22 (323) Levomoramide;
23 (334) Levophenacylmorphane;
24 (345) 3-Methylfentanyl;
25 (356) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-pip-
26 eridinyl]-N-phenylpropanamide);
27 (367) Morpheridine;
28 (378) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
29 (389) Noracymethadol;
30 (3940) Norlevorphanol;
31 (401) Normethadone;
32 (412) Norpipanone;
33 (423) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
34 piperidinyl] propanamide);
35 (434) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
36 (445) Phenadoxone;
37 (456) Phenampromide;
38 (467) Phenomorphan;
39 (478) Phenoperidine;
40 (489) Piritramide;
41 (4950) Proheptazine;
42 (501) Properidine;
43 (512) Propiram;
44 (523) Racemoramide;
45 (534) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
46 propanamide);
47 (545) Tilidine;
48 (556) Trimeperidine;
49 (567) u-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-
50 methylbenzamide).

1 (c) Any of the following opium derivatives, their salts, isomers and
2 salts of isomers, unless specifically excepted, whenever the existence of
3 these salts, isomers and salts of isomers is possible within the specific
4 chemical designation:

- 5 (1) Acetorphine;
- 6 (2) Acetyldihydrocodeine;
- 7 (3) Benzylmorphine;
- 8 (4) Codeine methylbromide;
- 9 (5) Codeine-N-Oxide;
- 10 (6) Cyprenorphine;
- 11 (7) Desomorphine;
- 12 (8) Dihydromorphine;
- 13 (9) Drotebanol;
- 14 (10) Etorphine (except hydrochloride salt);
- 15 (11) Heroin;
- 16 (12) Hydromorphinol;
- 17 (13) Methyldesorphine;
- 18 (14) Methyldihydromorphine;
- 19 (15) Morphine methylbromide;
- 20 (16) Morphine methylsulfonate;
- 21 (17) Morphine-N-Oxide;
- 22 (18) Myrophine;
- 23 (19) Nicocodeine;
- 24 (20) Nicomorphine;
- 25 (21) Normorphine;
- 26 (22) Pholcodine;
- 27 (23) Thebacon.

28 (d) Hallucinogenic substances. Any material, compound, mixture or
29 preparation which contains any quantity of the following hallucinogenic
30 substances, their salts, isomers and salts of isomers, unless specifically
31 excepted, whenever the existence of these salts, isomers, and salts of iso-
32 mers is possible within the specific chemical designation (for purposes of
33 this paragraph only, the term "isomer" includes the optical, position and
34 geometric isomers):

- 35 (1) Dimethoxyphenethylamine, or any compound not specifically
36 excepted or listed in another schedule that can be formed from
37 dimethoxyphenethylamine by replacement of one (1) or more hydrogen
38 atoms with another atom(s), functional group(s) or substructure(s)
39 including, but not limited to, compounds such as DOB, DOC, 2C-B,
40 25B-NBOMe;
- 41 (2) Methoxyamphetamine or any compound not specifically excepted or
42 listed in another schedule that can be formed from methoxyamphetamine
43 by replacement of one (1) or more hydrogen atoms with another atom(s),
44 functional group(s) or substructure(s) including, but not limited to,
45 compounds such as PMA and DOM;
- 46 (3) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 47 (4) 5-methoxy-N,N-diisopropyltryptamine;
- 48 (5) Amphetamine or methamphetamine with a halogen substitution on the
49 benzyl ring, including compounds such as fluorinated amphetamine and
50 fluorinated methamphetamine;

- 1 (6) 3,4-methylenedioxy amphetamine;
 2 (7) 3,4-methylenedioxymethamphetamine (MDMA);
 3 (8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-ethyl MDA, MDE, MDEA);
 4 (9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-hydroxy MDA);
 5 (10) 3,4,5-trimethoxy amphetamine;
 6 (11) 5-methoxy-N,N-dimethyltryptamine (also known as 5-methoxy-3-2[2-(dimethylamino)ethyl]indole and 5-MeO-DMT);
 7 (12) Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-aminobutyl) indole);
 8 (13) Alpha-methyltryptamine;
 9 (14) Bufotenine;
 10 (15) Diethyltryptamine (DET);
 11 (16) Dimethyltryptamine (DMT);
 12 (17) Ibogaine;
 13 (18) Lysergic acid diethylamide;
 14 (19) Marihuana;
 15 (20) Mescaline;
 16 (21) Parahexyl;
 17 (22) Peyote;
 18 (23) N-ethyl-3-piperidyl benzilate;
 19 (24) N-methyl-3-piperidyl benzilate;
 20 (25) Psilocybin;
 21 (26) Psilocyn;
 22 (27) Tetrahydrocannabinols or synthetic equivalents of the substances
 23 contained in the plant, or in the resinous extractives of Cannabis, sp.
 24 and/or synthetic substances, derivatives, and their isomers with similar
 25 chemical structure such as the following:
 26 i. Tetrahydrocannabinols:
 27 a. Δ^1 cis or trans tetrahydrocannabinol, and their optical
 28 isomers, excluding dronabinol in sesame oil and encapsulated in either a soft gelatin capsule or in an oral solution
 29 in a drug product approved by the U.S. Food and Drug Administration.
 30 b. Δ^6 cis or trans tetrahydrocannabinol, and their optical
 31 isomers.
 32 c. $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical
 33 isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)
 34 d. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyl-octan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol)], also known as 6aR-trans-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric isomers (HU211 or dexanabinol).

1 ii. The following synthetic drugs:

2 a. Any compound structurally derived from (1H-indole-3-
3 yl)(cycloalkyl, cycloalkenyl, aryl)methanone, or (1H-in-
4 dole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or
5 (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl), methyl
6 or dimethyl butanoate, amino-methyl (or dimethyl)-1-oxobu-
7 tan-2-yl) carboxamide by substitution at the nitrogen atoms
8 of the indole ring or carboxamide to any extent, whether or
9 not further substituted in or on the indole ring to any ex-
10 tent, whether or not substituted to any extent in or on the
11 cycloalkyl, cycloalkenyl, aryl ring(s) (substitution in the
12 ring may include, but is not limited to, heteroatoms such as
13 nitrogen, sulfur and oxygen).

14 b. Any compound structurally derived from 3-(1-naph-
15 thoyl)pyrrole by substitution at the nitrogen atom of the
16 pyrrole ring to any extent, whether or not further substi-
17 tuted in the pyrrole ring to any extent, whether or not
18 substituted in the naphthyl ring to any extent.

19 c. Any compound structurally derived from 1-(1-naphthyl-
20 methyl)indene by substitution at the 3-position of the in-
21 dene ring to any extent, whether or not further substituted
22 in the indene ring to any extent, whether or not substituted
23 in the naphthyl ring to any extent.

24 d. Any compound structurally derived from 3-pheny-
25 lacetylindole by substitution at the nitrogen atom of the
26 indole ring to any extent, whether or not further substi-
27 tuted in the indole ring to any extent, whether or not substi-
28 tuted in the phenyl ring to any extent.

29 e. Any compound structurally derived from 2-(3-hydroxycy-
30 clohexyl)phenol by substitution at the 5-position of the
31 phenolic ring to any extent, whether or not substituted in
32 the cyclohexyl ring to any extent.

33 f. Any compound structurally derived from 3-(benzoyl)in-
34 dole structure with substitution at the nitrogen atom of
35 the indole ring to any extent, whether or not further substi-
36 tuted in the indole ring to any extent and whether or not
37 substituted in the phenyl ring to any extent.

38 g. [2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrol-
39 o[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone
40 (WIN-55,212-2).

41 h. 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (HU-
42 243).

43 i. [(6S, 6aR, 9R, 10aR)-9-hydroxy-6-methyl-3-[(2R)-
44 5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahy-
45 drophenanthridin-1-yl]acetate (CP 50,5561).

46 (28) Ethylamine analog of phencyclidine: N-ethyl-1-phenylcy-
47 clohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcy-
48 clohexyl) ethylamine, cyclohexamine, PCE;

49 (29) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl) -
50 pyrrolidine, PCPy, PHP;

1 (30) Thiophene analog of phencyclidine 1-[1-(2-thienyl)-cyclohexyl]-
2 piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;

3 (31) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;

4 (32) Spores or mycelium capable of producing mushrooms that contain
5 psilocybin or psilocin.

6 (e) Unless specifically excepted or unless listed in another schedule,
7 any material, compound, mixture or preparation which contains any quantity
8 of the following substances having a depressant effect on the central ner-
9 vous system, including its salts, isomers, and salts of isomers whenever the
10 existence of such salts, isomers, and salts of isomers is possible within the
11 specific chemical designation:

12 (1) Gamma hydroxybutyric acid (some other names include GHB; gam-
13 ma-hydroxybutyrate, 4-hydroxybutyrate; 4-hydroxybutanoic acid; sod-
14 ium oxybate; sodium oxybutyrate);

15 (2) Flunitrazepam (also known as "R2," "Rohypnol");

16 (3) Mecloqualone;

17 (4) Methaqualone.

18 (f) Stimulants. Unless specifically excepted or unless listed in an-
19 other schedule, any material, compound, mixture, or preparation which con-
20 tains any quantity of the following substances having a stimulant effect on
21 the central nervous system, including its salts, isomers, and salts of iso-
22 mers:

23 (1) Aminorex (some other names: aminoxaphen, 2-amino-5-phenyl-2-ox-
24 azoline, or 4,5-dihydro-5-phenyl-2-oxazolamine);

25 (2) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alp-
26 ha-aminopropiophenone, 2-aminopropiophenone and norephedrone);

27 (3) Substituted cathinones. Any compound, except bupropion or com-
28 pounds listed under a different schedule, structurally derived from
29 2-aminopropan-1-one by substitution at the 1-position with either
30 phenyl, naphthyl or thiophene ring systems, whether or not the compound
31 is further modified in any of the following ways:

32 i. By substitution in the ring system to any extent with alkyl,
33 alkylendioxy, alkoxy, haloalkyl, hydroxyl or halide sub-
34 stituents, whether or not further substituted in the ring system
35 by one (1) or more other univalent substituents;

36 ii. By substitution at the 3-position with an acyclic alkyl sub-
37 stituent;

38 iii. By substitution at the 2-amino nitrogen atom with alkyl,
39 dialkyl, benzyl or methoxybenzyl groups, or by inclusion of the
40 2-amino nitrogen atom in a cyclic structure.

41 (4) Fenethylamine;

42 (5) Methcathinone (some other names: 2-(methyl-amino)-propioph-
43 enone, alpha-(methylamino)-propiophenone, N-methylcathinone, AL-
44 464, AL-422, AL-463 and UR1423);

45 (6) (+/-)cis-4-methylaminorex [(+/-)cis-4,5-dihydro-4-methyl-5-
46 phenyl-2-oxazolamine];

47 (7) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);

48 (8) N-ethylamphetamine;

49 (9) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethyl-ben-
50 zeneethanamine).

1 SECTION 2. That Section 37-2714, Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 3. That Section 37-2721, Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 4. That Section 37-2722, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 37-2722. PRESCRIPTIONS ISSUING, DISTRIBUTING AND DISPENSING OF CON-
8 TROLLED SUBSTANCES. No person shall issue or dispense a prescription drug
9 order for a controlled substance unless it is in compliance with applicable
10 state and federal law and rules of the board.

11 (a) ~~Except when dispensed directly by a practitioner, other than a~~
12 ~~pharmacy, to an ultimate user, no e~~Controlled substances included in sched-
13 ule II may be dispensed without the written prescription of a practitioner
14 shall be distributed only by a registrant to another registrant pursuant to
15 the federal drug enforcement administration (DEA) order form 222.

16 (b) ~~In emergency situations, as defined by rule of the board, schedule~~
17 ~~II drugs may~~ Controlled substances included in schedule II shall:

18 (1) Be distributed only by a registrant to another registrant pursuant
19 to DEA order form 222.

20 (2) ~~Be dispensed upon oral only pursuant to a valid prescription of a~~
21 ~~practitioner, reduced promptly to writing and filed by the pharmacy.~~
22 ~~Prescriptions shall be retained in conformity with the requirements~~
23 ~~of section 37-2720, Idaho Code. No prescription for a schedule II sub-~~
24 ~~stance may be refilled~~ drug order, except when dispensed directly by a
25 prescriber.

26 (3) Not be refilled.

27 (4) Include a quantity that is both spelled out in English and written
28 in numerical form, when a written prescription drug order is required.

29 (c) ~~Except when dispensed directly by a practitioner, other than a~~
30 ~~pharmacy, to an ultimate user, a e~~Controlled substances included in schedule
31 III or IV, which is a prescription drug as determined under this act or regu-
32 lation of the bureau or the board, shall:

33 (1) ~~not be~~ Be dispensed without a written or oral only pursuant to a valid
34 prescription of a practitioner drug order, except when dispensed di-
35 rectly by a prescriber.

36 (2) ~~The prescription shall n~~Not be filled or refilled more than six (6)
37 months after the date thereof or be refilled more than five (5) times,
38 unless renewed by the practitioner.

39 (d) ~~A e~~Controlled substances included in schedule V shall not be dis-
40 tributed or dispensed other than for a medical purpose.

41 (e) ~~Solely for the purpose of allowing the dispensing of A pharmacist~~
42 ~~may dispense a controlled substances pursuant to the a valid prescription~~
43 ~~drug order of an individual licensed in a jurisdiction other than the state~~
44 ~~of Idaho, and for no other purpose under this act, with respect to the writ-~~
45 ~~ten or oral prescription of a "practitioner" as required under subsections~~
46 ~~(a), (b) and (c) of this section, the term "practitioner" shall also include~~
47 ~~a physician, dentist, veterinarian, scientific investigator or other indi-~~
48 ~~vidual, other than a pharmacy licensed in a jurisdiction other than the state~~

1 of Idaho, and permitted by such license to dispense, conduct research with
 2 respect to or administer the prescribed controlled substance in the course
 3 of his professional practice or research in such jurisdiction, so as long as
 4 the individual is acting within the jurisdiction, scope and authority of his
 5 license when issuing the written or oral prescription.

6 SECTION 5. That Section [37-2723](#), Idaho Code, be, and the same is hereby
 7 repealed.

8 SECTION 6. That Section [37-2724](#), Idaho Code, be, and the same is hereby
 9 repealed.

10 SECTION 7. That Section 37-2725, Idaho Code, be, and the same is hereby
 11 amended to read as follows:

12 37-2725. ~~PRESCRIPTION REQUIRED -- PRESCRIPTION DRUG ORDER BLANKS --~~
 13 ~~POSSESSION -- TRANSFERENCE -- CONTENTS.~~ (1) ~~A prescription shall be required~~
 14 ~~for all scheduled drugs.~~ Paper prescriptions drug order blanks shall comply
 15 with federal law and shall utilize noncopyable paper that contains security
 16 provisions against copying that results in some indication on the copy that
 17 it is a copy and therefore rendering it null and void.

18 (2) Prescription drug order blanks shall not be transferable. Any per-
 19 son possessing any such blank otherwise than is herein provided is guilty of
 20 a misdemeanor.

21 (3) The prescription drug order blank shall contain the name and ad-
 22 dress of the ~~practitioner~~ prescriber. Prescription drug order blanks may
 23 contain the printed names of multiple ~~practitioners~~ prescribers who are af-
 24 filiated; provided however, such prescription drug order blanks shall con-
 25 tain a means, in addition to the signature of the ~~practitioner~~ prescriber,
 26 such as a box or a check, for clear identification of the printed name and ad-
 27 dress of the ~~practitioner~~ prescriber issuing the prescription.

28 (4) Prescriptions written by a ~~practitioner~~ prescriber in a hospi-
 29 tal, nursing home, ambulatory surgery center an institutional facility or
 30 other health care facility in which a ~~practitioner~~ prescriber may attend
 31 a patient, other than his or her regular place of business, may be written
 32 on prescription drug order blanks kept or provided by that facility that
 33 contain the name and address of that facility, but not necessarily of the
 34 ~~practitioner~~ prescriber, provided the ~~practitioner's~~ prescriber's name
 35 must be stamped, written or printed on the completed prescription in a manner
 36 that is legible to a pharmacist.

37 (5) Failure of a ~~practitioner~~ prescriber to clearly mark the
 38 ~~practitioner's~~ prescriber's printed name and address on the prescription
 39 as required in subsection (3) of this section, or to stamp, write or print
 40 the ~~practitioner's~~ prescriber's name legibly as required in subsection (4)
 41 of this section shall subject the ~~practitioner~~ prescriber to appropriate
 42 discipline by the board. ~~The disciplinary measures shall be established by~~
 43 ~~the board in a rule developed through negotiated rulemaking.~~

44 (6) Except as provided in section 37-2722, Idaho Code, if a paper pre-
 45 scription is for a schedule II substance, the practitioner shall indicate
 46 the desired quantity of the scheduled drug on the prescription blank by both

1 ~~writing out the quantity and by indicating or writing the quantity in numeri-~~
2 ~~eal form.~~

3 ~~(7) Prescription drug order~~ blanks or drugs lost or stolen must be imme-
4 diately reported to the board.

5 SECTION 8. That Section 37-2727, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 37-2727. CONTROLLED SUBSTANCES IN OPIOID (NARCOTIC) TREATMENT PRO-
8 GRAMS. (1) At a facility with a controlled substance registration certifi-
9 cate issued by the United States department of justice, drug enforcement
10 administration, for the operation of a narcotic treatment program, a nurse
11 licensed under chapter 14, title 54, Idaho Code, may, pursuant to a valid
12 order of a physician licensed under chapter 18, title 54, Idaho Code:

13 (a) Prepare and administer to a patient at that facility a controlled
14 substance whether or not a practitioner is present; and

15 (b) Deliver at that facility to a patient for subsequent use by the
16 patient off-site, take-home doses of a controlled substance, provided
17 that:

18 (i) The patient is entitled to receive take-home doses of the con-
19 trolled substance;

20 (ii) The take-home doses delivered by the nurse to the patient
21 were obtained at the facility by the nurse from a locked stor-
22 age area suitable to prevent unauthorized access and to ensure a
23 proper environment for preservation of the drugs within such area;
24 and

25 (iii) The take-home doses were prepared pursuant to a valid
26 prescription drug order of the physician ~~by a pharmacist licensed~~
27 ~~under chapter 17, title 54, Idaho Code, and were delivered by the~~
28 ~~pharmacist to the locked storage area at the facility provided in a~~
29 ~~suitable container appropriately labeled for subsequent delivery~~
30 ~~by the nurse to the patient and for subsequent use by the patient~~
31 ~~entitled to receive the take-home doses of the controlled sub-~~
32 ~~stance.~~

33 (2) A nurse acting under the authority of this section is exempt from
34 the registration requirements imposed by this chapter.

35 (3) The facility must be registered under chapter 17, title 54, Idaho
36 Code.

37 SECTION 9. That Section 37-2731, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 37-2731. INFORMATION REQUIRED ON LABEL. ~~(a) The~~ A practitioner
40 dispensing with statutory authority to dispense a controlled substance
41 listed in schedule II shall affix to the package a label showing ~~date of~~
42 ~~dispensing, the dispenser's name and address, the serial number of the pre-~~
43 ~~scription if applicable, the name of the patient, the name of the prescribing~~
44 ~~practitioner, and directions for use and cautionary statements, if any,~~
45 contained in such prescription as required by law pursuant to board rule.

46 ~~(b) The practitioner dispensing controlled substances listed in sched-~~
47 ~~ule III or IV shall affix to the package a label showing the dispenser's name~~

1 and address, the serial number if applicable, and date of initial dispens-
2 ing, the name of the patient, the name of the practitioner issuing the pre-
3 scription, and directions for use and cautionary statements, if any, con-
4 tained in such prescription as required by law.

5 ~~(c) The practitioner dispensing a controlled substance listed in~~
6 ~~schedule V pursuant to a prescription shall affix to the package a label~~
7 ~~showing the dispenser's name and address, the serial number if applicable,~~
8 ~~and the date of dispensing, the name of the patient, the name of the prac-~~
9 ~~titioner issuing the prescription, the directions for use and cautionary~~
10 ~~statements, if any, contained in such prescription as required by law.~~

11 SECTION 10. That Section 37-2734, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 37-2734. PROHIBITED ACTS C -- PENALTIES. (a) It is unlawful for any
14 person knowingly or intentionally:

15 (1) ~~to~~ distribute as a registrant a controlled substance classified in
16 schedules I or II, except pursuant to ~~an order form as required by the~~
17 requirements of section 37-2721~~2~~, Idaho Code;

18 (2) ~~to~~ use in the course of the manufacture or distribution of a con-
19 trolled substance a registration number which is fictitious, revoked,
20 suspended, or issued to another person;

21 (3) ~~to~~ acquire or obtain possession of a controlled substance by mis-
22 representation, fraud, forgery, deception or subterfuge;

23 (4) ~~to~~ furnish false or fraudulent material information in, or omit
24 any material information from, any application, report, or other docu-
25 ment required to be kept or filed under this act, or any record required
26 to be kept by this act; or

27 (5) ~~to~~ make, distribute, or possess any punch, die, plate, stone, or
28 other thing designed to print, imprint, or reproduce the trademark,
29 trade name, or other identifying mark, imprint, or device of another or
30 any likeness of any of the foregoing upon any drug or container or label-
31 ing thereof so as to render the drug a counterfeit substance.

32 (b) Any person who violates this section is guilty of a felony and upon
33 conviction may be imprisoned for not more than four (4) years, or fined not
34 more than thirty thousand dollars (\$30,000), or both.