

IN THE SENATE

SENATE BILL NO. 1348

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2722, IDAHO CODE, TO PROVIDE FOR A REVIEW OF A PATIENT'S PRESCRIPTION DRUG HISTORY UNDER CERTAIN CIRCUMSTANCES AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 37-2722, Idaho Code, be, and the same is hereby amended to read as follows:

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

(a) Controlled substances included in schedule I shall be distributed only by a registrant to another registrant pursuant to the federal drug enforcement administration (DEA) order form 222.

(b) Controlled substances included in schedule II shall:

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

(2) Be dispensed only pursuant to a valid prescription drug order, except when dispensed directly by a prescriber.

(3) Not be refilled.

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

(c) Controlled substances included in schedule III or IV shall:

(1) Be dispensed only pursuant to a valid prescription drug order, except when dispensed directly by a prescriber.

(2) Not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner.

(d) Controlled substances included in schedule V shall not be distributed or dispensed other than for a medical purpose.

(e) A pharmacist may dispense a controlled substance pursuant to a valid prescription drug order of an individual licensed in a jurisdiction other than the state of Idaho as long as the individual is acting within the jurisdiction, scope and authority of his license.

(f) Prior to issuing to a patient a prescription for outpatient use for an opioid analgesic or benzodiazepine listed in schedule II, III, or IV, the prescriber or the prescriber's delegate shall review the patient's prescription drug history for the preceding twelve (12) months from the prescription drug monitoring program and evaluate the data for indicators of prescription drug diversion or misuse. This review is not required:

(1) For patients:

(i) Receiving treatment in an inpatient setting;

- 1            (ii) At the scene of an emergency or in an ambulance;
- 2            (iii) In hospice care; or
- 3            (iv) In a skilled nursing home care facility; or
- 4            (2) For a prescription in a quantity intended to last no more than three
- 5            (3) days.
- 6            (g) Subsection (f) of this section shall be effective on and after Octo-
- 7 ber 1, 2020, and shall apply only to individuals required by this chapter to
- 8 register for the prescription drug monitoring program.