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THE GENERAL ASSEMBLY OF PENNSYLVANIA

# SENATE BILL

## No. 472 Session of 2015

INTRODUCED BY RAFFERTY, YUDICHAK, TEPLITZ, VULAKOVICH, TARTAGLIONE AND BOSCOLA, FEBRUARY 13, 2015

REFERRED TO PUBLIC HEALTH AND WELFARE, FEBRUARY 13, 2015

AN ACT

Amending the act of April 14, 1972 (P.L.233, No.64), entitled "An act relating to the manufacture, sale and possession of controlled substances, other drugs, devices and cosmetics; conferring powers on the courts and the secretary and Department of Health, and a newly created Pennsylvania Drug, Device and Cosmetic Board; establishing schedules of controlled substances; providing penalties; requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations; and repealing an act," providing for records of distribution of controlled substances.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 12 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, is amended by adding a subsection to read:

Section 12. Records of Distribution of Controlled Substances.--* * *

(d) (1) An official State prescription form shall be prepared and issued by the secretary in groups of 25 or 100 forms, which forms shall be serially numbered. Prescription blanks shall not be transferable.

(2) Except as expressly authorized in this section, controlled substances in Schedules II, III and IV shall be prescribed or dispensed only on an official State prescription form.

(3) The secretary may make rules and regulations, consistent with this act, with respect to the retention or filing of such forms, including information required to be filed with the secretary, the maximum number of forms which may be issued at any one time, the period of time after issuance by the secretary that such forms shall remain valid for use, and the manner in which practitioners associated with institutional dispensers may use such forms, or any other matter of procedure or detail necessary to effectuate or clarify the provisions of this section and to secure proper and effective enforcement of the provisions of this article.

(4) Every person who sells or otherwise distributes a controlled substance shall implement and maintain adequate safeguards and security measures of official State prescription forms in order to assure against loss, destruction, theft or unauthorized use of the forms as follows:

(i) Such person shall maintain a record of the disposition of all forms, including, but not limited to, use as a prescription, cancellation, return, loss, destruction, unauthorized use and nonreceipt. The forms may be used only by the person to whom they are issued and are not transferrable.

(ii) Such person shall immediately notify the department on forms supplied by the department of the loss, destruction, theft or unauthorized use of any official State prescription forms issued to them as well as the failure to receive official State prescription forms within a reasonable time after ordering them

from the secretary. Upon receipt of notification, the secretary shall take appropriate action, including notification to the Office of Attorney General.

(5) A registered pharmacist compounding, dispensing, filling or selling a controlled substance in Schedules II, III and IV shall maintain a copy of the original written prescription, or an electronic image, for a period of not less than five years if such period is not less than two years after the last refilling, and affix to the container in which the prescription is dispensed, a label bearing:

(i) the name and complete address of the pharmacy or drug store in which dispensed;

(ii) the brand name or generic name of the product dispensed, unless the prescriber states otherwise on the original written prescription;

(iii) the date on which the prescription was compounded;

(iv) an identifying number under which the prescription is recorded in his files;

(v) the name of the physician, dentist, optometrist, veterinarian, other medical practitioner, certified nurse midwife, nurse practitioner/clinical nurse specialist or physician assistant, prescribing it; and

(vi) the directions for the use of the prescription by the patient, as directed on the prescription of the physician, dentist, optometrist, veterinarian, other medical practitioner, certified nurse midwife, nurse practitioner/clinical nurse specialist or physician assistant, licensed or approved to write prescriptions.

(6) Every registered pharmacist who fills or compounds a prescription, or who supervises the filling or compounding of a

prescription by a person other than a pharmacist registered in this Commonwealth, shall place his name or initials on the original prescription or on the label affixed to the container in which the prescription is dispensed or in a book kept for the purpose of recording prescriptions.

Section 2. This act shall take effect in 60 days.