

FIRST REGULAR SESSION

# HOUSE BILL NO. 491

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CHIPMAN.

0181H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 195.060 and 195.080, RSMo, and to enact in lieu thereof two new sections relating to the prescription of opioids for minors.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 195.060 and 195.080, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 195.060 and 195.080, to read as follows:

195.060. 1. Except as provided in subsection 4 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he or she is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his or her own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in Schedule I or II shall be

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six  
19 months after the date of the original prescription or be refilled more than five times unless  
20 renewed by the practitioner.

21 2. A pharmacist, in good faith, may sell and dispense controlled substances to any person  
22 upon a prescription of a practitioner located in another state, provided that the:

23 (1) Prescription was issued according to and in compliance with the applicable laws of  
24 that state and the United States; and

25 (2) Quantity limitations in subsection [4] 5 of section 195.080 apply to prescriptions  
26 dispensed to patients located in this state.

27 3. The legal owner of any stock of controlled substances in a pharmacy, upon  
28 discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or  
29 pharmacist, but only on an official written order.

30 4. A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to  
31 any person in emergency situations as defined by rule of the department of health and senior  
32 services upon an oral prescription by an authorized practitioner.

33 5. Except where a bona fide physician-patient-pharmacist relationship exists,  
34 prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate  
35 user or agent by mail or other common carrier.

195.080. 1. Except as otherwise provided in this chapter and chapter 579, this chapter  
2 and chapter 579 shall not apply to the following cases: prescribing, administering, dispensing  
3 or selling at retail of liniments, ointments, and other preparations that are susceptible of external  
4 use only and that contain controlled substances in such combinations of drugs as to prevent the  
5 drugs from being readily extracted from such liniments, ointments, or preparations, except that  
6 this chapter and chapter 579 shall apply to all liniments, ointments, and other preparations that  
7 contain coca leaves in any quantity or combination.

8 2. Unless otherwise provided in sections 334.037, 334.104, and 334.747, a practitioner,  
9 other than a veterinarian, shall not issue an initial prescription for more than a seven-day supply  
10 of any opioid controlled substance upon the initial consultation and treatment of a patient for  
11 acute pain. Upon any subsequent consultation for the same pain, the practitioner may issue any  
12 appropriate renewal, refill, or new prescription in compliance with the general provisions of this  
13 chapter and chapter 579. Prior to issuing an initial prescription for an opioid controlled  
14 substance, a practitioner shall consult with the patient regarding the quantity of the opioid and  
15 the patient's option to fill the prescription in a lesser quantity and shall inform the patient of the  
16 risks associated with the opioid prescribed. If, in the professional medical judgment of the  
17 practitioner, more than a seven-day supply is required to treat the patient's acute pain, the  
18 practitioner may issue a prescription for the quantity needed to treat the patient; provided, that

19 the practitioner shall document in the patient's medical record the condition triggering the  
20 necessity for more than a seven-day supply and that a nonopioid alternative was not appropriate  
21 to address the patient's condition. The provisions of this subsection shall not apply to  
22 prescriptions for opioid controlled substances for a patient who is currently undergoing treatment  
23 for cancer, is receiving hospice care from a hospice certified under chapter 197 or palliative care,  
24 is a resident of a long-term care facility licensed under chapter 198, or is receiving treatment for  
25 substance abuse or opioid dependence.

26 **3. Notwithstanding subsection 2 of this section or any other provision of law to the**  
27 **contrary, a practitioner shall not prescribe any opioid controlled substance to any person**  
28 **under the age of eighteen, unless such person is admitted to a health care facility for**  
29 **inpatient treatment.**

30 **4.** A pharmacist or pharmacy shall not be subject to disciplinary action or other civil or  
31 criminal liability for dispensing or refusing to dispense medication in good faith pursuant to an  
32 otherwise valid prescription that exceeds the prescribing limits established by ~~[subsection]~~  
33 **subsections 2 and 3** of this section.

34 ~~[4.]~~ **5.** Unless otherwise provided in this section, the quantity of Schedule II controlled  
35 substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The  
36 quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time  
37 shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with  
38 the general provisions of this chapter and chapter 579. The supply limitations provided in this  
39 subsection may be increased up to three months if the physician describes on the prescription  
40 form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered  
41 on or attached to the prescription form the medical reason for requiring the larger supply. The  
42 supply limitations provided in this subsection shall not apply if:

43 (1) The prescription is issued by a practitioner located in another state according to and  
44 in compliance with the applicable laws of that state and the United States and dispensed to a  
45 patient located in another state; or

46 (2) The prescription is dispensed directly to a member of the United States Armed Forces  
47 serving outside the United States.

48 ~~[5.]~~ **6.** The partial filling of a prescription for a Schedule II substance is permissible as  
49 defined by regulation by the department of health and senior services.

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