

By: Representative Howell

To: Judiciary A

HOUSE BILL NO. 570

1 AN ACT TO CONFORM CERTAIN CONTROLLED SUBSTANCE PRESCRIPTIONS
2 WITH FEDERAL LAW; TO AMEND SECTION 41-29-137, MISSISSIPPI CODE OF
3 1972, TO CONFORM WITH THE PROVISIONS OF THIS ACT; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. (1) A prescription for a controlled substance
7 shall only be issued for a legitimate medical purpose by an
8 individual practitioner acting in the usual course of his or her
9 professional practice. The responsibility for the proper
10 prescribing and dispensing of controlled substances is upon the
11 prescribing practitioner, but a corresponding responsibility rests
12 with the pharmacist who fills the prescription. The following are
13 not legal prescriptions:

14 (a) An order purporting to be a prescription which is
15 issued not in the usual course of professional treatment or in
16 legitimate and authorized research; or

17 (b) An order for an addict or habitual user of
18 controlled substances, which is issued not in the course of
19 professional treatment or as part of an authorized detoxification
20 or maintenance treatment program where the practitioner is
21 registered by the Federal Drug Enforcement Administration, for the
22 purpose of providing the user with controlled substances,
23 sufficient to keep him or her comfortable by maintaining customary
24 use.

25 (2) Nothing in this section shall prohibit a physician who
26 is not specifically registered with the Drug Enforcement
27 Administration to conduct a narcotic treatment program from

28 administering but not prescribing narcotic drugs to a person for
29 the purpose of relieving acute withdrawal symptoms when necessary
30 while arrangements are being made for referral for treatment. Not
31 more than one (1) day's medication may be administered to the
32 person or for the person's use at one (1) time. Such emergency
33 treatment may be carried out for not more than three (3) days and
34 may not be renewed or extended.

35 (3) This section is not intended to impose any limitations
36 on a physician or authorized hospital staff to administer or
37 dispense narcotic drugs in a hospital to maintain or detoxify a
38 person as an incidental adjunct to medical or surgical treatment
39 of conditions other than addiction, or to administer or dispense
40 narcotic drugs to persons with intractable pain in which no relief
41 or cure is possible or none had been found after reasonable
42 efforts.

43 (4) The obtaining of multiple prescriptions for controlled
44 substances for abuse or sale using multiple practitioners is
45 illegal under this section.

46 (5) Anyone who willfully, knowingly and intentionally
47 violates this section shall be guilty of a felony punishable and
48 upon conviction shall be punished by not more than five (5) years
49 in the custody of the Mississippi Department of Corrections or a
50 fine of not less than One Thousand Dollars (\$1,000.00), or both.

51 SECTION 2. Section 41-29-137, Mississippi Code of 1972, is
52 amended as follows:

53 41-29-137. (a) Except when dispensed directly by a
54 practitioner, other than a pharmacy, to an ultimate user, no
55 controlled substance in Schedule II, as set out in Section
56 41-29-115, may be dispensed without the written prescription of a
57 practitioner. A practitioner shall keep a record of all
58 controlled substances in Schedule I, II and III administered,
59 dispensed or professionally used by him otherwise than by
60 prescription.

61 In emergency situations, as defined by rule of the State
62 Board of Pharmacy, said Schedule II drugs may be dispensed upon
63 oral prescription of a practitioner, reduced promptly to writing
64 and filed by the pharmacy. Prescriptions shall be retained in

65 conformity with the requirements of Section 41-29-133. No
66 prescription for a Schedule II substance may be refilled unless
67 renewed by prescription issued by a licensed medical doctor.

68 (b) Except when dispensed directly by a practitioner, other
69 than a pharmacy, to an ultimate user, a controlled substance
70 included in Schedule III or IV, as set out in Sections 41-29-117
71 and 41-29-119, which is a prescription drug as determined under
72 Federal Control Substance Act, shall not be dispensed without a
73 written or oral prescription of a practitioner. The prescription
74 shall not be filled or refilled more than six (6) months after the
75 date thereof or be refilled more than five (5) times, unless
76 renewed by the practitioner.

77 (c) A controlled substance included in Schedule V, as set
78 out in Section 41-29-121, shall not be distributed or dispensed
79 other than for a medical purpose.

80 (d) Prescriptions shall be issued in compliance with Section
81 1 of this act, when applicable.

82 SECTION 3. This act shall take effect and be in force from
83 and after July 1, 1999.