

By: Representative Fleming

To: Judiciary A

HOUSE BILL NO. 311

1 AN ACT TO AMEND SECTION 41-29-137, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT PRESCRIBING RITALIN; AND FOR RELATED PURPOSES.

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

4 SECTION 1. Section 41-29-137, Mississippi Code of 1972, is
5 amended as follows:

6 41-29-137. (a) Except when dispensed directly by a
7 practitioner, other than a pharmacy, to an ultimate user, no
8 controlled substance in Schedule II, as set out in Section
9 41-29-115, may be dispensed without the written prescription of a
10 practitioner. A practitioner shall keep a record of all
11 controlled substances in Schedule I, II and III administered,
12 dispensed or professionally used by him otherwise than by
13 prescription.

14 In emergency situations, as defined by rule of the State
15 Board of Pharmacy, said Schedule II drugs may be dispensed upon
16 oral prescription of a practitioner, reduced promptly to writing
17 and filed by the pharmacy. Prescriptions shall be retained in
18 conformity with the requirements of Section 41-29-133. No
19 prescription for a Schedule II substance may be refilled unless
20 renewed by prescription issued by a licensed medical doctor.

21 (b) Except when dispensed directly by a practitioner, other
22 than a pharmacy, to an ultimate user, a controlled substance
23 included in Schedule III or IV, as set out in Sections 41-29-117
24 and 41-29-119, which is a prescription drug as determined under
25 Federal Control Substance Act, shall not be dispensed without a
26 written or oral prescription of a practitioner. The prescription
27 shall not be filled or refilled more than six (6) months after the



28 date thereof or be refilled more than five (5) times, unless
29 renewed by the practitioner.

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

33 (d) Ritalin shall not be prescribed in this state. Any
34 practitioner or pharmacist who prescribes ritalin shall be subject
35 to license suspension or a fine of not more than Five Thousand
36 Dollars (\$5,000.00).

37 SECTION 2. This act shall take effect and be in force from
38 and after July 1, 2001.

