

By: Representative Smith (39th)

To: Judiciary A

HOUSE BILL NO. 1275

1 AN ACT TO AMEND SECTION 41-29-137, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE A PHYSICAL EXAMINATION FOR CERTAIN CONTROLLED SUBSTANCE
3 PRESCRIPTIONS; AND FOR RELATED PURPOSES.

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

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

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

15 In emergency situations, as defined by rule of the State
16 Board of Pharmacy, said Schedule II drugs may be dispensed upon
17 oral prescription of a practitioner, reduced promptly to writing
18 and filed by the pharmacy. Prescriptions shall be retained in
19 conformity with the requirements of Section 41-29-133. No
20 prescription for a Schedule II substance may be refilled without a
21 physical examination and renewed by prescription issued by a
22 licensed medical doctor.

23 (b) Except when dispensed directly by a practitioner, other
24 than a pharmacy, to an ultimate user, a controlled substance
25 included in Schedule III or IV, as set out in Sections 41-29-117
26 and 41-29-119, which is a prescription drug as determined under
27 Federal Control Substances Act, shall not be dispensed without a

28 physical examination and a written or oral prescription of a
29 practitioner. The prescription shall not be filled or refilled
30 more than six (6) months after the date thereof or be refilled
31 more than five (5) times, unless renewed by the practitioner.

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

35 (d) An optometrist certified to prescribe and use
36 therapeutic pharmaceutical agents under Sections 73-19-153 through
37 73-19-165 shall be authorized to prescribe oral analgesic
38 controlled substances in Schedule IV or V, as pertains to
39 treatment and management of eye disease by written prescription
40 only.

41 (e) Administration by injection of any pharmaceutical
42 product authorized in this section is expressly prohibited.

43 **SECTION 2.** This act shall take effect and be in force from
44 and after July 1, 2006.