

By: Representative Crawford

To: Public Health and Human Services

HOUSE BILL NO. 1073

1 AN ACT TO AMEND SECTION 41-29-137, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE PRESCRIBER OF A SCHEDULE II CONTROLLED SUBSTANCE OR
3 ANY OTHER OPIOID DRUG, BEFORE ISSUING THE INITIAL PRESCRIPTION IN
4 A COURSE OF TREATMENT FOR ACUTE OR CHRONIC PAIN AND AGAIN BEFORE
5 ISSUING THE THIRD PRESCRIPTION OF THE COURSE OF TREATMENT, TO
6 DISCUSS WITH THE PATIENT THE RISKS ASSOCIATED WITH THE DRUG BEING
7 PRESCRIBED AND ALTERNATIVE TREATMENTS THAT MAY BE AVAILABLE; AND
8 FOR RELATED PURPOSES.

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

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

12 41-29-137. (a) (1) Except when dispensed directly by a
13 practitioner, other than a pharmacy, to an ultimate user, no
14 controlled substance in Schedule II, as set out in Section
15 41-29-115, may be dispensed without the written valid prescription
16 of a practitioner. A practitioner shall keep a record of all
17 controlled substances in Schedule I, II and III administered,
18 dispensed or professionally used by him otherwise than by
19 prescription.

20 (2) In emergency situations, as defined by rule of the
21 State Board of Pharmacy, Schedule II drugs may be dispensed upon



22 the oral valid prescription of a practitioner, reduced promptly to
23 writing and filed by the pharmacy. Prescriptions shall be
24 retained in conformity with the requirements of Section 41-29-133.
25 No prescription for a Schedule II substance may be refilled unless
26 renewed by prescription issued by a licensed medical doctor.

27 (b) Except when dispensed directly by a practitioner, other
28 than a pharmacy, to an ultimate user, a controlled substance
29 included in Schedule III or IV, as set out in Sections 41-29-117
30 and 41-29-119, shall not be dispensed without a written or oral
31 valid prescription of a practitioner. The prescription shall not
32 be filled or refilled more than six (6) months after the date
33 thereof or be refilled more than five (5) times, unless renewed by
34 the practitioner.

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

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

44 (e) Administration by injection of any pharmaceutical
45 product authorized in this section is expressly prohibited except
46 when dispensed directly by a practitioner other than a pharmacy.



47 (f) (1) For the purposes of this article, Title 73, Chapter
48 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it
49 pertains to prescriptions for controlled substances, a "valid
50 prescription" means a prescription that is issued for a legitimate
51 medical purpose in the usual course of professional practice by:

52 (A) A practitioner who has conducted at least one
53 (1) in-person medical evaluation of the patient; or

54 (B) A covering practitioner.

55 (2) (A) "In-person medical evaluation" means a medical
56 evaluation that is conducted with the patient in the physical
57 presence of the practitioner, without regard to whether portions
58 of the evaluation are conducted by other health professionals.

59 (B) "Covering practitioner" means a practitioner
60 who conducts a medical evaluation other than an in-person medical
61 evaluation at the request of a practitioner who has conducted at
62 least one (1) in-person medical evaluation of the patient or an
63 evaluation of the patient through the practice of telemedicine
64 within the previous twenty-four (24) months and who is temporarily
65 unavailable to conduct the evaluation of the patient.

66 (3) A prescription for a controlled substance based
67 solely on a consumer's completion of an online medical
68 questionnaire is not a valid prescription.

69 (4) Nothing in this subsection (* * *f) shall apply
70 to:



71 (A) A prescription issued by a practitioner
72 engaged in the practice of telemedicine as authorized under state
73 or federal law; or

74 (B) The dispensing or selling of a controlled
75 substance pursuant to practices as determined by the United States
76 Attorney General by regulation.

77 (g) Before issuing the initial prescription of a Schedule II
78 controlled substance or any other opioid drug that is a
79 prescription drug in a course of treatment for acute or chronic
80 pain and again before issuing the third prescription of the course
81 of treatment, a practitioner shall discuss with the patient, or
82 the patient's parent or guardian if the patient is under eighteen
83 (18) years of age and is not an emancipated minor, the risks
84 associated with the drugs being prescribed, including but not
85 limited to:

86 (1) The risks of addiction and overdose associated with
87 opioid drugs and the dangers of taking opioid drugs with alcohol,
88 benzodiazepines and other central nervous system depressants;

89 (2) The reasons why the prescription is necessary;

90 (3) Alternative treatments that may be available; and

91 (4) Risks associated with the use of the drugs being
92 prescribed, specifically that opioids are highly addictive, even
93 when taken as prescribed, that there is a risk of developing a
94 physical or psychological dependence on the controlled substance,
95 and that the risks of taking more opioids than prescribed, or



96 mixing sedatives, benzodiazepines or alcohol with opioids, can
97 result in fatal respiratory depression.

98 The practitioner shall include a note in the patient's
99 medical record that the patient or the patient's parent or
100 guardian, as applicable, has discussed with the practitioner the
101 risks of developing a physical or psychological dependence on the
102 controlled substance and alternative treatments that may be
103 available.

104 **SECTION 2.** This act shall take effect and be in force from
105 and after July 1, 2019.

