

By: Senator(s) Doty, Jackson (11th), Jordan

To: Public Health and
WelfareCOMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2802

1 AN ACT TO REQUIRE ALL CONTROLLED SUBSTANCE PRESCRIPTIONS TO
2 BE MADE BY ELECTRONIC PRESCRIPTION WITH CERTAIN EXCEPTIONS; TO
3 PROVIDE THAT NO PHARMACIST IS REQUIRED TO VERIFY THAT A WRITTEN,
4 ORAL OR FAX PRESCRIPTION MEETS ANY OF THE CRITERIA FOR EXEMPTION
5 FROM THE ELECTRONIC-PRESCRIBING REQUIREMENT; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** (1) No person shall issue any controlled
9 substance prescription in Mississippi unless such prescription is
10 made by electronic prescription from the person issuing the
11 controlled substance prescription to a pharmacy in accordance with
12 regulatory standards, except for prescriptions meeting any of the
13 criteria in paragraphs (a) through (k) of this section and
14 documented by the prescriber on the face of the prescription.
15 Those prescriptions issued:

16 (a) By veterinarians;

17 (b) In circumstances where electronic prescribing is
18 not available due to temporary technological or electrical
19 failure, as set forth in regulation;



20 (c) By a practitioner to be dispensed by a pharmacy
21 located outside the state, as set forth in regulation;

22 (d) That include elements that are not supported by the
23 most recently implemented version of the National Council for
24 Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT
25 Standard;

26 (e) By a practitioner for a drug that the federal Food
27 and Drug Administration (FDA) requires the prescription to contain
28 elements that are not able to be accomplished with electronic
29 prescribing such as, but not limited to, a drug with Risk
30 Evaluation and Mitigation Strategies that include Elements to
31 Assure Safe Use;

32 (f) By a practitioner prescribing a drug under a
33 research protocol;

34 (g) By practitioners who have received a waiver or a
35 renewal thereof for a specified period determined by the
36 Department of Health, not to exceed six (6) months, from the
37 requirement to use electronic prescribing, pursuant to a process
38 established in regulation by the department due to economic
39 hardship or technological limitations that are not reasonably
40 within the control of the practitioner, or other exceptional
41 circumstance demonstrated by the practitioner;

42 (h) When the prescriber and dispenser are the same
43 entity;



(i) By a practitioner allowing for the dispensing of a non-patient specific prescription pursuant to a standing order, approved protocol for drug therapy, collaborative drug management or comprehensive medication management, in response to a public health emergency, or other circumstances where the practitioner may issue a nonpatient specific prescription;

(j) By a practitioner prescribing a drug under a research protocol; or

(k) By a practitioner under circumstances where, notwithstanding the practitioner's present ability to make an electronic prescription as required by this act, such practitioner determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patients medical condition.

(2) A pharmacist who receives a written, oral or faxed prescription is not required to verify that the prescription meets any of the criteria of subsection (1)(a) through (k) of this section. Nothing in this section prohibits a pharmacist from dispensing medications pursuant to an otherwise valid written, oral or fax prescription that is consistent with current laws and regulations.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

