

By: Representative Crawford

To: Drug Policy; Public Health and Human Services

HOUSE BILL NO. 1069

1 AN ACT TO AMEND SECTION 73-21-115, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE PHARMACISTS TO DISPENSE A PRESCRIPTION DRUG TO A
 3 PATIENT FOR WHOM THE PRESCRIPTION IS WRITTEN UNLESS CERTAIN
 4 CIRCUMSTANCES EXIST; TO PROVIDE THAT THE STATE BOARD OF MEDICAL
 5 LICENSURE SHALL NOT PROHIBIT PHYSICIANS FROM PRESCRIBING ANY DRUG
 6 OR MEDICINE THAT HAS BEEN APPROVED BY THE FOOD AND DRUG
 7 ADMINISTRATION (FDA); TO PROVIDE THAT THE MISSISSIPPI BOARD OF
 8 NURSING SHALL NOT PROHIBIT ADVANCE PRACTICE REGISTERED NURSES FROM
 9 PRESCRIBING ANY DRUG OR MEDICINE THAT THE NURSE IS AUTHORIZED TO
 10 PRESCRIBE UNDER THE TERMS OF THE COLLABORATIVE AGREEMENT BETWEEN
 11 THE NURSE AND A PHYSICIAN IF THAT DRUG OR MEDICINE HAS BEEN
 12 APPROVED BY THE FDA; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 73-21-115, Mississippi Code of 1972, is
 15 amended as follows:

16 73-21-115. (1) Every prescription written in this state by
 17 a person authorized to issue such prescription shall be on
 18 prescription forms containing two (2) lines for the prescriber's
 19 signature. There shall be a signature line in the lower
 20 right-hand corner of the prescription form beneath which shall be
 21 clearly imprinted the words "substitution permissible." There
 22 shall be a signature line in the lower left-hand corner of the
 23 prescription form beneath which shall be clearly imprinted the



24 words "dispense as written." The prescriber's signature on either
25 signature line shall validate the prescription and shall designate
26 approval or disapproval of product selection.

27 (2) If a prescription form which does not contain the two
28 (2) signature lines required in subsection (1) of this section is
29 utilized by the prescriber, he shall write in his own handwriting
30 the words "dispense as written" thereupon to prevent product
31 selection.

32 (3) A pharmacist licensed by the Mississippi State Board of
33 Pharmacy may dispense a one-time emergency dispensing of a
34 prescription of up to a seventy-two-hour supply of a prescribed
35 medication in the event the pharmacist is unable to contact the
36 prescriber to obtain refill authorization, provided that:

37 (a) The prescription is not for a controlled substance;

38 (b) In the pharmacist's professional judgment, the
39 interruption of therapy might reasonably produce undesirable
40 health consequences or may cause physical or mental discomfort;

41 (c) The dispensing pharmacist notifies the prescriber
42 or his agent of the emergency dispensing within seven (7) working
43 days after the one-time emergency dispensing;

44 (d) The pharmacist properly records the dispensing as a
45 separate nonrefillable prescription. * * * The document shall be
46 filed as is required of all other prescription records. This
47 document shall be serially numbered and contain all information



48 required of other prescriptions. In addition it shall contain the
49 number of the prescription from which it was refilled; and

50 (e) The pharmacist shall record on the new document the
51 circumstances which warrant this emergency dispensing.

52 This emergency dispensing shall be done only in the permitted
53 facility which contains the nonrefillable prescription.

54 (4) The pharmacist shall dispense a prescription drug to a
55 patient for whom the prescription is written unless one of the
56 following circumstances exists:

57 (a) The prescription violates state or federal law;

58 (b) The drug could cause a harmful drug interaction or
59 adversely affect the patient's medical condition;

60 (d) The drug is out of stock; or

61 (e) Dispensing the drug violates the pharmacist's
62 conscience under Section 41-107-5.

63 **SECTION 2.** The State Board of Medical Licensure shall not
64 prohibit physicians from prescribing any drug or medicine that has
65 been approved by the Food and Drug Administration (FDA).

66 **SECTION 3.** The Mississippi Board of Nursing shall not
67 prohibit advance practice registered nurses from prescribing any
68 drug or medicine that the nurse is authorized to prescribe under
69 the terms of the collaborative agreement between the nurse and a
70 physician if that drug or medicine has been approved by the Food
71 and Drug Administration (FDA).



72 **SECTION 4.** This act shall take effect and be in force from
73 and after July 1, 2024.

