

By: Senator(s) Blackwell

To: Public Health and Welfare

SENATE BILL NO. 2237

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 UNLESS THE PRESCRIPTION VIOLATES THE LAW, THE DRUG COULD  
4 CAUSE A HARMFUL DRUG INTERACTION OR ADVERSELY AFFECT THE PATIENT'S  
5 MEDICAL CONDITION, THE DRUG IS OUT OF STOCK, OR DISPENSING THE  
6 DRUG VIOLATES THE PHARMACIST'S CONSCIENCE; AND FOR RELATED  
7 PURPOSES.

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

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

11 73-21-115. (1) Every prescription written in this state by  
12 a person authorized to issue such prescription shall be on  
13 prescription forms containing two (2) lines for the prescriber's  
14 signature. There shall be a signature line in the lower  
15 right-hand corner of the prescription form beneath which shall be  
16 clearly imprinted the words "substitution permissible." There  
17 shall be a signature line in the lower left-hand corner of the  
18 prescription form beneath which shall be clearly imprinted the  
19 words "dispense as written." The prescriber's signature on either



20 signature line shall validate the prescription and shall designate  
21 approval or disapproval of product selection.

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

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

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

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

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

39 (d) The pharmacist properly records the dispensing as a  
40 separate nonrefillable prescription. Said document shall be filed  
41 as is required of all other prescription records. This document  
42 shall be serially numbered and contain all information required of  
43 other prescriptions. In addition it shall contain the number of  
44 the prescription from which it was refilled; and



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

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

49 (4) The pharmacist shall dispense a prescription drug to a  
50 patient unless one (1) of the following circumstances exists:

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

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

54 (c) The drug is out of stock; or

55 (d) Dispensing the drug violates the pharmacist's  
56 conscience under Section 41-107-5.

57 **SECTION 2.** This act shall take effect and be in force from  
58 and after July 1, 2024.

