Citations Affected:  IC 25-1; IC 25-22.5.

Synopsis: Prescribing and dispensing of opioids. Limits the amount of an opioid prescription a prescriber may issue for: (1) an adult who is being prescribed an opioid for the first time; and (2) a child; unless the prescription is for the treatment of specified conditions or circumstances. Requires documentation in the use of certain exemptions. Requires a prescriber to issue a prescription for an opioid in a lesser amount if requested by specified individuals and to document the request. Requires a pharmacist, upon the request of a specified individual, to partially fill the opioid prescription in compliance with federal law. Requires the pharmacist to document that the opioid prescription was partially filled. Requires the medical licensing board, in consultation with specified persons, to adopt emergency rules and rules concerning conditions that will be exempt from the prescription limitations.

Effective: Upon passage; July 1, 2017.
ENGROSSED

SENATE BILL No. 226

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 25-1-9.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 9.7. Prescribing and Dispensing of Opioids

Sec. 1. As used in this chapter, "prescriber" refers to a practitioner who maintains an Indiana controlled substance registration and a federal Drug Enforcement Administration registration.

Sec. 2. (a) Except as provided in subsection (b), a prescriber may issue a prescription for an opioid only if the following limitations are met:

(1) If the prescription is for an adult who is being prescribed an opioid for the first time by the prescriber, the initial prescription may not exceed a seven (7) day supply.

(2) If the prescription is for a child who is less than eighteen (18) years of age, the prescription may not exceed a seven (7) day supply.
(b) The limitations set forth in subsection (a) do not apply under any of the following circumstances:

1. The prescriber is issuing the prescription for the treatment or provision of any of the following:
   A. Cancer.
   B. Palliative care.
   C. Medication-assisted treatment for a substance use disorder.
   D. A condition that is adopted by rule by the medical licensing board under IC 25-22.5-13-8 to be necessary to be exempted from subsection (a).

2. If, in the professional judgment of a prescriber, a patient requires more than the prescription limitations specified in subsection (a).

(c) If a prescriber:

1. determines that a drug other than an opioid is not appropriate; and
2. uses an exemption specified in subsection (b)(1)(B) or (b)(2) and issues a prescription for a patient that exceeds the limitations set forth in subsection (a);

the prescriber shall document in the patient's medical record the indication that a drug other than an opiate was not appropriate and that the patient is receiving palliative care or that the prescriber is using the prescriber's professional judgment for the exemption.

Sec. 3. A prescriber shall, upon the request of the:

1. patient;
2. personal or legal representative of the patient; or
3. guardian of the patient;

issue the opioid prescription for a lesser amount than the prescriber initially intended to prescribe, issue the opioid prescription for the lesser amount, and indicate the request and who made the request in the patient's medical file.

Sec. 4. (a) For a partial fill of an opioid prescription, a pharmacist shall dispense, upon request of the:

1. patient;
2. personal or legal representative of the patient; or
3. guardian of the patient;

the lesser amount requested.

(b) If a prescription for an opioid is partially filled under subsection (a), the pharmacist shall do the following:

1. Comply with the partial refill requirements set forth in 21
(2) Document that an individual described in subsection (a) for whom the partial prescription was filled (or the individual's personal or legal representative or guardian) requested the partially filled prescription.

SECTION 2. IC 25-22.5-13-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The medical licensing board of Indiana shall, in consultation with the state department of health, the office of the secretary of family and social services, and representatives of prescriber stakeholders, adopt:

(1) emergency rules under IC 4-22-2-37.1 before December 1, 2017; and

(2) rules under IC 4-22-2;

setting forth the conditions the board considers necessary under IC 25-1-9.7-2(b)(1)(D) to be exempted from the prescribing limitations set forth in IC 25-1-9.7-2(a).

SECTION 3. An emergency is declared for this act.
COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 226, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, delete "any of the" and insert "a practitioner who maintains an Indiana controlled substance registration and a federal Drug Enforcement Administration registration."

Page 1, delete lines 6 through 12.

Page 1, line 17, delete "," and insert "by the prescriber,"

Page 2, delete lines 5 through 10, begin a new paragraph and insert:

"(b) The limitations set forth in subsection (a) do not apply under any of the following circumstances:

(1) The prescriber is issuing the prescription for the treatment or provision of any of the following:

(A) Cancer.
(B) Palliative care.
(C) Medication-assisted treatment for a substance use disorder.
(D) A condition that is adopted by rule by the medical licensing board under IC 25-22.5-13-8 to be necessary to be exempted from subsection (a).

(2) If, in the professional judgment of a prescriber, a patient requires more than the prescription limitations specified in subsection (a).

(c) If a prescriber:

(1) determines that a drug other than an opioid is not appropriate; and
(2) uses an exemption specified in subsection (b)(1)(B) or (b)(2) and issues a prescription for a patient that exceeds the limitations set forth in subsection (a);

the prescriber shall document in the patient's medical record the indication that a drug other than an opiate was not appropriate and that the patient is receiving palliative care or that the prescriber is using the prescriber's professional judgment for the exemption."

Page 2, line 28, delete "Void the remainder of the unfilled prescription for the" and insert "Comply with the partial refill requirements set forth in 21 U.S.C. 829."

Page 2, delete line 29.

Page 2, line 33, delete "and that the" and insert ".".

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Page 2, delete line 34, begin a new paragraph and insert:
"SECTION 2. IC 25-22.5-13-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The medical licensing board of Indiana shall, in consultation with the state department of health, the office of the secretary of family and social services, and representatives of prescriber stakeholders, adopt:

(1) emergency rules under IC 4-22-2-37.1 before December 1, 2017; and
(2) rules under IC 4-22-2;

setting forth the conditions the board considers necessary under IC 25-1-9.7-2(b)(1)(D) to be exempted from the prescribing limitations set forth in IC 25-1-9.7-2(a).

SECTION 3. An emergency is declared for this act."

and when so amended that said bill do pass.

(Reference is to SB 226 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 10, Nays 1.

SENATE MOTION
Madam President: I move that Senate Bill 226 be amended to read as follows:
Page 2, line 39, delete "and void the prescription for the" and insert "."
Page 2, delete line 40.

(Reference is to SB 226 as printed February 14, 2017.)

MERRITT
COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 226, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 226 as reprinted February 17, 2017.)

KIRCHHOFER

Committee Vote: Yeas 10, Nays 0