

SECOND REGULAR SESSION

# HOUSE BILL NO. 1038

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SANDER (Sponsor), MUNZLINGER, WHORTON, DETHROW,  
FISHER AND MCGHEE (Co-sponsors).

Pre-filed December 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3058L.01I

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### AN ACT

To repeal sections 195.070 and 195.100, RSMo, and to enact in lieu thereof two new sections relating to dispensing and labeling of controlled substances.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 195.070 and 195.100, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 195.070 and 195.100, to read as follows:

195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to  
2 administer pharmaceutical agents as provided in section 336.220, RSMo, **or an advanced**  
3 **practice registered nurse delegated the authority to prescribe controlled substances listed**  
4 **in schedule II, III, IV, or V of section 195.017 under a collaborative practice agreement,**  
5 in good faith and in the course of his or her professional practice only, may prescribe, administer,  
6 and dispense controlled substances or he or she may cause the same to be administered or  
7 dispensed by an individual as authorized by statute.

8 2. A veterinarian, in good faith and in the course of his **or her** professional practice only,  
9 and not for use by a human being, may prescribe, administer, and dispense controlled substances  
10 and he **or she** may cause them to be administered by an assistant or orderly under his **or her**  
11 direction and supervision.

12 3. A practitioner shall not accept any portion of a controlled substance unused by a  
13 patient, for any reason, if such practitioner did not originally dispense the drug.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14           4. An individual practitioner may not prescribe or dispense a controlled substance for  
15 such practitioner's personal use except in a medical emergency.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial  
2 container unless such container bears a label containing an identifying symbol for such substance  
3 in accordance with federal laws.

4           2. It shall be unlawful for any manufacturer of any controlled substance to distribute such  
5 substance unless the labeling thereof conforms to the requirements of federal law and contains  
6 the identifying symbol required in subsection 1 of this section.

7           3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to  
8 or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such  
9 narcotic or dangerous drug to any person other than the patient.

10           4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a  
11 wholesaler sells or dispenses a controlled substance in a package prepared by [him] **the**  
12 **manufacturer or wholesaler**, he **or she** shall securely affix to each package in which that drug  
13 is contained, a label showing in legible English the name and address of the vendor and the  
14 quantity, kind, and form of controlled substance contained therein. No person except a  
15 pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter,  
16 deface, or remove any label so affixed.

17           5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on  
18 a prescription issued by a physician, dentist, podiatrist [or], veterinarian, **or advanced practice**  
19 **registered nurse** he **or she** shall affix to the container in which such drug is sold or dispensed,  
20 a label showing his **or her** own name and address of the pharmacy or practitioner for whom he  
21 **or she** is lawfully acting; the name of the patient or, if the patient is an animal, the name of the  
22 owner of the animal and the species of the animal; the name of the physician, dentist, podiatrist  
23 [or], veterinarian, **or advanced practice registered nurse** by whom the prescription was written;  
24 and such directions as may be stated on the prescription. No person shall alter, deface, or remove  
25 any label so affixed.

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