

FIRST REGULAR SESSION

HOUSE BILL NO. 49

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SATER.

Pre-filed December 4, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0121L.01I

AN ACT

To repeal sections 195.070 and 195.100, RSMo, and to enact in lieu thereof two new sections relating to prescriptive authority.

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Section A. Sections 195.070 and 195.100, RSMo, are repealed and two new sections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 a physician**
3 **assistant or an advanced practice nurse, as defined in section 335.016, RSMo, delegated the**
4 **authority to prescribe controlled substances listed in schedule V of section 195.017 under**
5 **a collaborative practice agreement**, in good faith and in the course of his or her professional
6 practice only, may prescribe, administer, and dispense controlled substances or he or she may
7 cause the same to be administered or dispensed by an individual as authorized by statute.

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

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.

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.

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

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

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

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

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

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