

FIRST REGULAR SESSION

# HOUSE BILL NO. 986

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOGAN.

2122H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 195.080, RSMo, and to enact in lieu thereof one new section relating to exceptions to prescription limitations.

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

Section A. Section 195.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 195.080, to read as follows:

195.080. 1. Except as otherwise provided in this chapter and chapter 579, this chapter and chapter 579 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that this chapter and chapter 579 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. Unless otherwise provided in sections 334.037, 334.104, and 334.747, a practitioner, other than a veterinarian, shall not issue an initial prescription for more than a seven-day supply of any opioid controlled substance upon the initial consultation and treatment of a patient for acute pain. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new prescription in compliance with the general provisions of this chapter and chapter 579. Prior to issuing an initial prescription for an opioid controlled substance, a practitioner shall consult with the patient regarding the quantity of the opioid and the patient's option to fill the prescription in a lesser quantity and shall inform the patient of the risks associated with the opioid prescribed. If, in the professional medical judgment of the practitioner, more than a seven-day supply is required to treat the patient's acute pain, the

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.

18 practitioner may issue a prescription for the quantity needed to treat the patient; provided, that  
19 the practitioner shall document in the patient's medical record the condition triggering the  
20 necessity for more than a seven-day supply and that a nonopioid alternative was not appropriate  
21 to address the patient's condition. The provisions of this subsection shall not apply to  
22 prescriptions for opioid controlled substances for a patient who is currently undergoing treatment  
23 for cancer **or sickle cell disease**, is receiving hospice care from a hospice certified under chapter  
24 197 or palliative care, is a resident of a long-term care facility licensed under chapter 198, or is  
25 receiving treatment for substance abuse or opioid dependence.

26 3. A pharmacist or pharmacy shall not be subject to disciplinary action or other civil or  
27 criminal liability for dispensing or refusing to dispense medication in good faith pursuant to an  
28 otherwise valid prescription that exceeds the prescribing limits established by subsection 2 of  
29 this section.

30 4. Unless otherwise provided in this section, the quantity of Schedule II controlled  
31 substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The  
32 quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time  
33 shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with  
34 the general provisions of this chapter and chapter 579. The supply limitations provided in this  
35 subsection may be increased up to three months if the physician describes on the prescription  
36 form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered  
37 on or attached to the prescription form the medical reason for requiring the larger supply. The  
38 supply limitations provided in this subsection shall not apply if:

39 (1) The prescription is issued by a practitioner located in another state according to and  
40 in compliance with the applicable laws of that state and the United States and dispensed to a  
41 patient located in another state; or

42 (2) The prescription is dispensed directly to a member of the United States Armed Forces  
43 serving outside the United States.

44 5. The partial filling of a prescription for a Schedule II substance is permissible as  
45 defined by regulation by the department of health and senior services.

✓