GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 539

Short Title: Triplicate Prescription Pads. (Public)

Sponsors: Representatives Hege; Dockham and Pope.

Referred to: Human Resources.

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE USE OF TRIPLICATE PRESCRIPTION PADS TO PREVENT THE ILLEGAL SALE OF PRESCRIPTION DRUGS.

The General Assembly of North Carolina enacts:

Section 1. Article 5 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-105.l. Triplicate Prescription Program.**

(a) Every practitioner who issues a prescription for a controlled substance listed in Schedule II, III, or IV, shall issue such prescription only on a prescription form that meets the requirements of G.S. 90-105.l(b). The North Carolina Department of Human Resources shall issue the forms to practitioners for a fee covering the actual cost of printing and processing the forms, mailing containers, and binders and the actual cost of mailing the forms. Before delivering the forms to the practitioner, the Department shall print on them the practitioner's name, address, and Federal Drug Enforcement Administration number. The prescription forms shall be printed on pressure sensitive paper to facilitate the completion of the second and third copies. A person may not obtain the prescription forms unless the person is a practitioner as defined in G.S. 90-87(22).

(b) Each prescription form used to prescribe a controlled substance under G.S. 90-105.1(a) must be serially numbered and in triplicate, with the original copy labeled 'Copy 1,' the duplicate copy labeled 'Copy 2,' and the triplicate copy labeled 'Copy 3.' Such prescription forms are not transferable. Each form must contain spaces for the following:

(1) The date the prescription is written;

(2) The date the prescription is filled;
(3) The date prescribed, the dosage, and instructions for use;
(4) The signature of prescribing practitioner;
(5) The name, address, and Federal Drug Enforcement Administration number of the dispensing pharmacy and the signature of the pharmacist who fills the prescription; and
(6) The name, address, and age of the person for whom the substance was prescribed.

(c) Not more than one prescription may be recorded on a prescription form.

(d) A practitioner shall not preprint or cause to be preprinted a prescription for any controlled substance; nor shall a practitioner issue, fill or cause to be issued or filled, a preprinted prescription for any controlled substance.

(e) Except as provided under G.S. 90-105.1(g), the prescribing practitioner shall:
(1) Fill in legibly, or direct a designated agent to fill in legibly, on all three copies of the form the date the prescription was written, the drug prescribed, the quantity (shown both numerically and by the number written as a word), and instructions for use; and the name, address, and age of the patient (or in the case of an animal, its owner) for whom the controlled substance is prescribed;
(2) Sign the first copy of the form and if the prescription is to be filled by a pharmacist, give the first and second copies to the person authorized to receive the prescription directly, give no copies to the person authorized to receive the prescription, but comply with G.S. 90-105.1(f);
(3) Retain the third copy of the form with the practitioner's records for at least two years, or as long as required by G.S. 90-104, whichever is longer.

(f) Each dispensing practitioner or pharmacist shall:
(1) Fill in on the first and second copies of the form the information not required to be filled in by the prescribing practitioner;
(2) Sign the first copy and send it to the Department of Human Resources not later than the tenth day of the month following the date the prescription was filled;
(3) Retain the second copy with the records of the dispensing practitioner or pharmacy for at least two years, or as long as required by G.S. 90-104, whichever is longer.

(g) In an emergency, a person may dispense or administer a controlled substance without the prior issuance of a prescription form on the oral or telephonically communicated prescription of a practitioner. The person who administers or dispenses the substance shall promptly write down such prescription and shall include in the written record of the prescription all information required to be provided by the practitioner under G.S. 90-105.1(e) and the dispensing pharmacist under G.S. 90-105.1(f). A copy of this information shall be placed in the records of the pharmacist for at least two years, or as long as required by G.S. 90-104, whichever is longer.

Not later than 72 hours after authorizing an emergency oral or telephonically communicated prescription, the prescribing practitioner shall cause a written prescription form, completed in the manner required by G.S. 90-105.1(e), to be delivered or mailed to the dispensing pharmacist, who shall complete it as required by G.S. 90-105(f). The copies of such a prescription form shall be retained or forwarded as required under G.S. 90-105.1(e) and (f).

(h) Triplicate prescription forms similar to those provided for in G.S. 90-105.1(a) and (b), but designed by the Department of Human Resources and containing information relevant to the transaction provided for in G.S. 90-106(i), shall be completed by the parties to such a transaction, with one copy being filed with the Department of Human Resources, one copy being retained by the manufacturer's sales representative, and one by the practitioner.

(i) A practitioner in possession of official prescription forms issued under subsection (a) whose license to dispense or practice, or whose Drug Enforcement Administration number, is suspended or revoked, shall, within seven days after the date of suspension or revocation becomes effective, return to the Department of Human Resources all official prescription forms which have not been used to issue prescriptions. An individual who violates this subsection is guilty of a misdemeanor.

(j) Information submitted to the Department of Human Resources under this section is confidential, but may be released to persons authorized by the Department for compiling statistical data as long as the identity of the individual to whom the prescription is dispensed is not disclosed.

(k) The identity of an individual patient that is submitted to the Department of Human Resources pursuant to this section shall be removed from the system for the retrieval of information described in this section and shall be destroyed and rendered irretrievable not later than the end of the calendar year following the year in which the information was submitted. However, an individual patient identity that is necessary for use in a specific ongoing investigation conducted in accordance with this act may be retained in the system until the end of the year in which the necessity for retention of the identity ends."

Sec. 2. G.S. 90-106 reads as rewritten:

"**§ 90-106. Prescriptions and labeling.**

(a) ~~Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no~~ No controlled substance included in Schedule II of this Article may be dispensed without the written prescription of a ~~practitioner.~~ practitioner; provided, however, that nothing in this subsection shall require a written prescription for a practitioner other than a pharmacist, to administer such a controlled substance directly to an ultimate user.

(b) In emergency situations, as defined by rule of the ~~Commission,~~ Commission and under the procedure set forth in G.S. 90-105.1(g), Schedule II drugs may be dispensed upon oral prescription of a ~~practitioner, reduced promptly to writing and filed by the dispensing agent.~~ practitioner. Prescriptions shall be retained in conformity with the requirements of G.S. 90-104. No prescription for a Schedule II substance may be refilled.

(c) ~~Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no~~ No controlled substance included in Schedules III or IV, except paregoric, U.S.P., as provided in G.S. 90-91(e)1, may be dispensed without a prescription, and oral prescriptions shall be ~~promptly reduced to writing and filed with the dispensing agent.~~ permitted under the procedures set forth in G.S. 90-105.1(g); provided, however, that nothing in this subsection shall require a written prescription for a practitioner, other than a pharmacist, to administer such a controlled substance directly to an ultimate user. Such prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times after the date of the prescription.

(d) No controlled substance included in Schedule V of this Article or paregoric, U.S.P., may be distributed or dispensed other than for a medical purpose.

(e) No controlled substance included in Schedule VI of this Article may be distributed or dispensed other than for scientific or research purposes by persons registered under, or permitted by, this Article to engage in scientific or research projects.

(f) No controlled substance shall be dispensed or distributed in this State unless such substance shall be in a container clearly labeled in accord with regulations lawfully adopted and published by the federal government or the Commission.

(g) When a copy of a prescription for a controlled substance under this Article is given as required by G.S. 90-70, such copy shall be plainly marked: "Copy – for information only." Copies of prescriptions for controlled substances shall not be filled or refilled.

(h) A pharmacist dispensing a controlled substance under this Article shall enter the date of dispensing and shall write his own signature on the face of the prescription pursuant to which such controlled substance was dispensed.

(i) A manufacturer's sales representative may distribute a controlled substance as a complimentary sample only upon the written request of a practitioner. Such request must be made on each distribution and must contain the names and addresses of the supplier and the requester and the name and quantity of the specific controlled substance requested. The manufacturer shall maintain a record of each such request for a period of two years."

Sec. 3. G.S. 90-108 is amended by adding two new subdivisions to read:

"(13a) To manufacture, sell or deliver, or possess a triplicate prescription form unless authorized to do so under this Chapter;

(13b) To manufacture, sell or deliver, or possess a counterfeit triplicate prescription form;".

Sec. 4. This act becomes effective January 1, 1992.