COMMITTEE REPORT

March 8, 2018

**H. 3826**

Introduced by Reps. Huggins, Bedingfield, Fry, Henderson, Johnson, Hewitt, Crawford, Duckworth, Allison, Forrester, Tallon, Hamilton, Felder, Elliott, B. Newton, Martin, Erickson, Dillard, G.R. Smith, Robinson‑Simpson, Long, Taylor, Hixon, Arrington, Bennett, W. Newton, Putnam and Cogswell

S. Printed 3/8/18--H.

Read the first time February 22, 2017.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3826) to amend Section 44‑53‑360, as amended, Code of Laws of South Carolina, 1976, relating to prescriptions, so as to require the Department of Health, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 44‑53‑360 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( )(1) A written prescription for any Schedule II, III, IV, and V controlled substance must be written on tamper‑resistant prescription pads which contain one or more industry‑recognized features designed to prevent all of the following:

(A) unauthorized copying of a completed or blank prescription form;

(B) erasure or modification of information written on the prescription by the prescriber; and

(C) use of counterfeit prescription forms.

(2) Prescription orders transmitted by facsimile, orally, or electronically are exempt from the tamper‑resistant prescription pad requirements of this section.

(3) The tamper‑resistant prescription pad requirements do not apply to refill prescriptions of an original written prescription that was presented to a pharmacy before the effective date of this act.

(4) The exceptions set forth in Section 1927 (k)(3) of the Social Security Act, 42 U.S.C. Section 1396r‑8(k)(3), concerning nursing facilities, hospitals, and other institutional and clinical settings, are exempt from the tamper‑resistant prescription pad requirements of this section.

(5) If a written prescription is not submitted on a tamper‑resistant prescription form meeting the requirements of this section, a pharmacy may fill the prescription in full as written on an emergency basis as long as the pharmacy receives a verbal, telephone facsimile, electronic, or compliant written prescription within seventy‑two hours after the date on which the prescription was filled.”

SECTION 2. This act takes effect sixty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced February 22, 2017**

**State Expenditure**

This bill requires the Department of Health and Environmental Control to develop a counterfeit-resistant prescription blank which must be used by practitioners when prescribing any controlled substance listed in Schedules II, III, IV, or V. The bill provides guidelines regarding the nature of the paper that may be used and the information that might be included on the blank prescription form.

**Department of Health and Environmental Control**. This bill requires the department to design a prescription form that meets the criteria set forth in the bill. As the cost of duplicating the form is the responsibility of each prescribing practitioner, this bill would have no expenditure impact on the general fund, federal funds, or other funds. The department will absorb the cost of designing the form and testing prototypes using the agency’s appropriated resources.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 44‑53‑360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRESCRIPTIONS, SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP A COUNTERFEIT‑RESISTANT PRESCRIPTION BLANK, WHICH MUST BE USED BY PRACTITIONERS FOR THE PURPOSE OF PRESCRIBING CONTROLLED SUBSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑53‑360 of the 1976 Code, as last amended by Act 71 of 2007, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) Within sixty days of the effective date of this act, the department shall develop the form and content for a counterfeit‑resistant prescription blank, which must be used by practitioners for the purpose of prescribing a controlled substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V pursuant to this section. The department may require the prescription blanks to be printed on distinctive, watermarked paper and to bear the preprinted name, address, and category of professional licensure of the practitioner and that practitioner’s federal registry number for controlled substances. The prescription blanks may not be transferred.”

SECTION 2. This act takes effect upon approval by the Governor.

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