**South Carolina General Assembly**

125th Session, 2023-2024

**A43, R51, H3870**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Wooten, Erickson, Caskey, Ballentine, West, Hewitt, Wetmore, Dillard, M.M. Smith and Davis

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Introduced in the House on February 2, 2023

Introduced in the Senate on April 6, 2023

Last Amended on April 5, 2023

Currently residing in the House

Summary: Narcotic Treatment Programs

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/2/2023 House Introduced and read first time (House Journal‑page 7)

 2/2/2023 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** (House Journal‑page 7)

 2/8/2023 House Member(s) request name added as sponsor: M.M.
 Smith, Davis

 3/29/2023 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** (House Journal‑page 56)

 4/4/2023 House Debate adjourned (House Journal‑page 39)

 4/5/2023 House Amended (House Journal‑page 48)

 4/5/2023 House Read second time (House Journal‑page 48)

 4/5/2023 House Roll call Yeas-109 Nays-0 (House Journal‑page 49)

 4/6/2023 House Read third time and sent to Senate (House Journal‑page 23)

 4/6/2023 Senate Introduced and read first time (Senate Journal‑page 39)

 4/6/2023 Senate Referred to Committee on **Medical Affairs** (Senate Journal‑page 39)

 5/4/2023 Senate Committee report: Favorable **Medical Affairs** (Senate Journal‑page 16)

 5/9/2023 Senate Read second time (Senate Journal‑page 89)

 5/10/2023 Senate Read third time and enrolled (Senate Journal‑page 33)

 5/10/2023 Senate Roll call Ayes-40 Nays-1 (Senate Journal‑page 33)

 5/11/2023 Ratified R 51

 5/16/2023 Signed By Governor

 5/26/2023 Effective date 05/16/23

 5/26/2023 Act No. 43

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**VERSIONS OF THIS BILL**

[02/02/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3870_20230202.docx)

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3870_20230329.docx)

[04/05/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3870_20230405.docx)

[05/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3870_20230504.docx)

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(A43, R51, H3870)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40‑43‑72 SO AS TO AUTHORIZE THE PERMITTING AND OPERATION OF NARCOTIC TREATMENT PROGRAMS, TO ESTABLISH CERTAIN REQUIREMENTS FOR NARCOTIC TREATMENT PROGRAMS AND THEIR ASSOCIATED PHARMACISTS, PRACTITIONERS, AND PRACTITIONER AGENTS, TO REQUIRE THE BOARD OF PHARMACY TO FULFILL CERTAIN OBLIGATIONS, AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 44‑53‑720, RELATING TO RESTRICTIONS ON USE OF METHADONE, SO AS TO MAKE CONFORMING CHANGES.

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

Narcotic treatment programs

SECTION 1. Chapter 43, Title 40 of the S.C. Code is amended by adding:

 Section 40‑43‑72. (A) For purposes of this section:

 (1) “Narcotic treatment program” or “NTP” means a program licensed by the Department of Health and Environmental Control that dispenses and administers methadone or other narcotic treatment medications.

 (2) “NTP permit” means a permit issued by the South Carolina Board of Pharmacy that governs dispensing and administration of medications in an NTP.

 (3) “NTP satellite permit” means a permit issued by the South Carolina Board of Pharmacy that governs dispensing and administration of medication in a mobile component or satellite medication unit operated by a licensed NTP.

 (4) “Pharmacist” means an individual licensed as a pharmacist pursuant to Chapter 43.

 (5) “Practitioner” means a physician, physician assistant, or advanced practice registered nurse licensed in South Carolina and registered under South Carolina and federal law to prescribe, dispense, and administer opioid drugs.

 (6) “Practitioner agent” means a registered nurse or licensed practical nurse supervised by and under the order of a practitioner.

 (7) “Stat box” means an additional drug box that contains stock doses of medications prepared by a pharmacist prior to receipt of a patient‑specific order from a practitioner.

 (B) An NTP shall apply for and must be issued an NTP permit before methadone or other narcotic treatment medications may be administered, dispensed, or delivered at that NTP.

 (C) An NTP with an NTP permit shall:

 (1) retain a pharmacist‑in‑charge who, along with the NTP permit holder, shall sign a new or renewal application for an NTP permit. The pharmacist‑in‑charge must agree in writing to assume the responsibilities of pharmacist‑in‑charge of the NTP. The NTP permit holder and pharmacist‑in‑charge shall notify the Board of Pharmacy in writing within ten days of a change of the NTP’s pharmacist‑in‑charge. A designation of an individual as a pharmacist‑in‑charge or delegation of duties to a pharmacist‑in‑charge by a holder of an NTP permit does not relieve the permit holder of the NTP permit holder’s duties under federal laws or regulations;

 (2) be inspected annually by the Board of Pharmacy; and

 (3) comply with the security control requirements of 21 C.F.R. Chapter II.

 (D)(1)(a) A pharmacist must be physically present at the NTP to dispense drugs for administration and to dispense and label drugs for delivery to patients for at‑home use.

 (b) A pharmacist is not required to be physically present at the NTP when drugs are administered or delivered to patients for at‑home use, provided that the pharmacist‑in‑charge must be onsite a sufficient amount of time necessary to perform all duties, including those set forth in Section 40‑43‑86(B)(3). Regulations or guidance of the Board of Pharmacy establishing specific percentages of time or hours during which a pharmacist‑in‑charge must be physically present at a pharmacy do not apply to the pharmacist‑in‑charge of an NTP.

 (c) The pharmacist‑in‑charge of an NTP may not be the pharmacist‑in‑charge for more than two NTP permit holders, which does not include NTP satellite permits.

 (2)(a) A practitioner agent may administer and deliver doses of narcotic drugs which have been previously prepared, checked, and labeled with a patient‑specific label by a pharmacist.

 (b) If a practitioner‑ordered dose change is needed immediately, and a pharmacist is not physically present at the NTP, a stat box with properly labeled stock doses may be used to provide immediate service to a patient.

 (c) A practitioner agent performing administration and delivery of medications in an NTP is not required to register as a pharmacy technician.

 (3) The provisions of Section 40‑43‑86(A)(12) shall be waived in the NTP to allow practitioners and practitioner agents access to an NTP pharmacy at a time when a pharmacist is not on duty for the purpose of obtaining drugs from the NTP pharmacy’s medication safe for administration and retrieving pharmacist‑verified take‑home doses of narcotics for delivery. The bulk inventory must be secured against access and alteration when the pharmacist is not present.

 (4) A pharmacist is in compliance with the requirement of patient counseling in Section 40‑43‑86(L)(1) by ensuring that written directions for use and other information relating to proper utilization of the medication prescribed are included with each new order of medication delivered by the opioid treatment program. The written information must include a telephone number at which the pharmacist may be contacted by patients.

 (5) An NTP satellite permit holder is exempt from the requirements of subsections (D)(1) and (D)(2) and may:

 (a) facilitate the administration and delivery of take‑home doses of narcotic drugs without the presence of a pharmacist so long as the doses are prepared in advance by a pharmacist; and

 (b) utilize a stat box.

Methadone use restrictions

SECTION 2. Section 44‑53‑720 of the S.C. Code is amended to read:

 Section 44‑53‑720. Methadone and its salts are restricted to:

 (1) use in treatment, maintenance, or detoxification programs as approved by the Department of Health and Environmental Control, including narcotic treatment programs operating pursuant to Section 40‑43‑72.

 (2) dispensing by a hospital for analgesia, pertussis, and detoxification treatment as approved by the Department of Health and Environmental Control.

 (3) dispensing by a retail pharmacy for analgesia as provided for by R. 61‑4, Section 507.5.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 11th day of May, 2023.

Approved the 16th day of May, 2023.

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