

SENATE BILL NO. 2176

Introduced by

Industry, Business and Labor Committee

(At the request of the Board of Pharmacy)

1 A BILL for an Act to amend and reenact subsection 20 of section 19-02.1-01, subsection 4 of
2 section 19-03.1-11, subsections 3 and 4 of section 19-03.1-22, subsection 24 of section
3 43-15-01, sections 43-15-18, 43-15-31.3, and subsection 6 of section 43-15-35 of the North
4 Dakota Century Code, relating to controlled substance regulation and the practice of pharmacy
5 in North Dakota; and to repeal section 43-15-33 of the North Dakota Century Code, relating to
6 sale of emergency medicines.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Subsection 20 of section 19-02.1-01 of the North Dakota
9 Century Code is amended and reenacted as follows:

10 20. ~~"Practitioner" means a physician, dentist, veterinarian, or other person licensed in~~
11 ~~this state to prescribe or administer drugs which are subject to this chapter.~~

12 "Practitioner" means an individual licensed, registered, or otherwise authorized by
13 the jurisdiction in which the individual is practicing to prescribe drugs in the course
14 of professional practice which are subject to this chapter.

15 **SECTION 2. AMENDMENT.** Subsection 4 of section 19-03.1-11 of the North Dakota
16 Century Code is amended and reenacted as follows:

17 4. Depressants. Unless specifically excepted or unless listed in another schedule,
18 any material, compound, mixture, or preparation containing any quantity of the
19 following substances, including their salts, isomers, and salts of isomers whenever
20 the existence of those salts, isomers, and salts of isomers is possible within the
21 specific chemical designation:

- 22 a. Alprazolam.
23 b. Barbital.
24 c. Bromazepam.

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- 1 d. Butorphanol.
- 2 e. Camazepam.
- 3 ~~e~~: f. Chloral betaine.
- 4 f: g. Chloral hydrate.
- 5 ~~g~~: h. Chlordiazepoxide.
- 6 h: i. Clobazam.
- 7 i: j. Clonazepam.
- 8 j: k. Clorazepate.
- 9 k: l. Clotiazepam.
- 10 l: m. Cloxazolam.
- 11 ~~m~~: n. Delorazepam.
- 12 n: o. Diazepam.
- 13 o: p. Estazolam.
- 14 p: q. Ethchlorvynol.
- 15 q: r. Ethinamate.
- 16 r: s. Ethyl loflazepate.
- 17 s: t. Fludiazepam.
- 18 t: u. Flurazepam.
- 19 u: v. Halazepam.
- 20 v: w. Haloxazolam.
- 21 w: x. Ketazolam.
- 22 x: y. Loprazolam.
- 23 y: z. Lorazepam.
- 24 z: aa. Lormetazepam.
- 25 ~~aa~~: bb. Mebutamate.
- 26 ~~bb~~: cc. Medazepam.
- 27 ee: dd. Meprobamate.
- 28 ~~dd~~: ee. Methohexital.
- 29 ee: ff. Methylphenobarbital (also known as mephobarbital).
- 30 ff: gg. Midazolam.
- 31 ~~gg~~: hh. Nimetazepam.

- 1 ~~hh.~~ ii. Nitrazepam.
- 2 ~~ii.~~ jj. Nordiazepam.
- 3 ~~jj.~~ kk. Oxazepam.
- 4 ~~kk.~~ ll. Oxazolam.
- 5 ~~ll.~~ mm. Paraldehyde.
- 6 ~~mm.~~ nn. Petrichloral.
- 7 ~~nn.~~ oo. Phenobarbital.
- 8 ~~oo.~~ pp. Pinazepam.
- 9 ~~pp.~~ qq. Prazepam.
- 10 ~~qq.~~ rr. Quazepam.
- 11 ss. Sibutramine.
- 12 ~~rr.~~ tt. Temazepam.
- 13 ~~ss.~~ uu. Tetrazepam.
- 14 ~~tt.~~ vv. Triazolam.
- 15 ~~uu.~~ ww. Zolpidem.

16 **SECTION 3. AMENDMENT.** Subsections 3 and 4 of section 19-03.1-22 of the North
17 Dakota Century Code are amended and reenacted as follows:

- 18 3. Except when dispensed directly by a practitioner, other than a pharmacy, to an
19 ultimate user, a controlled substance included in schedule III or IV, which is a
20 prescription drug as determined under this chapter or chapter 19-02.1, may not be
21 dispensed without a written or oral prescription of a practitioner. The prescription
22 may not be filled or refilled more than six months after the date thereof or be
23 refilled more than five times, unless renewed by the practitioner. Any oral
24 prescription for such drugs must be promptly reduced to writing by the pharmacist,
25 intern, or technician on a new prescription blank and must be signed within
26 ~~seventy-two hours~~ seven days by the practitioner who issued the same. When the
27 patient is a hospice patient or resides in a licensed long-term care facility and the
28 prescription has been signed by the practitioner before faxing, the facsimile may
29 serve as the original prescription without another signature.
- 30 4. Except when dispensed directly by a practitioner, other than a pharmacy, to an
31 ultimate user, no controlled substance included in schedule V must be dispensed

1 without the written or oral prescription of a practitioner. The prescription may not
2 be filled or refilled more than six months after the date thereof or be refilled more
3 than five times unless renewed by the practitioner. Any oral prescription for such
4 compound, mixture, or preparation must be promptly reduced to writing by the
5 pharmacist, intern, or technician on a new prescription blank and must be signed
6 within ~~seventy-two hours~~ seven days by the practitioner who issued ~~same the~~
7 prescription. When the patient is a hospice patient or resides in a licensed
8 long-term care facility and the prescription has been signed by the practitioner
9 before faxing, the facsimile may serve as the original prescription without another
10 signature.

11 **SECTION 4. AMENDMENT.** Subsection 24 of section 43-15-01 of the 1997
12 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 13 24. "Practitioner" means ~~a physician, dentist, veterinarian, scientific investigator, or~~
14 ~~other person (other than pharmacists) licensed by North Dakota and permitted by~~
15 ~~such license to dispense, conduct research with respect to or administer an~~
16 individual licensed, registered or otherwise authorized by the jurisdiction in which
17 the individual is practicing to prescribe drugs in the course of professional practice
18 ~~or research in North Dakota.~~

19 **SECTION 5. AMENDMENT.** Section 43-15-18 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **43-15-18. License of pharmacy intern.** To register in this state a pharmacy intern
22 must have completed one year ~~in an approved~~ of college of pharmacy, be registered in a
23 prepharmacy program, and must be employed by a licensed pharmacist. At the date of
24 entering into ~~his~~ internship, ~~he~~ an intern shall file with the ~~secretary~~ executive director of the
25 board the following certificates accompanied by a fee ~~of five dollars~~ set by the board:

- 26 1. ~~A certificate~~ An application stating ~~he~~ the applicant has entered into an internship
27 ~~and giving his age,~~ the intern's name, residence, and educational qualifications.
28 2. ~~A certificate~~ statement from ~~his~~ the intern's employer stating that the applicant ~~has~~
29 ~~been~~ will be employed by ~~him~~ the pharmacist, as a pharmacy intern, that to ~~his~~ the
30 employer's knowledge the applicant possesses the required education and
31 qualifications.

1 The ~~secretary~~ executive director of the board shall file the ~~certificates~~ application and license
2 the applicant as a pharmacy intern.

3 **SECTION 6. AMENDMENT.** Section 43-15-31.3 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **43-15-31.3. Oral transmission of prescriptions.** An oral transmission of a
6 prescription drug may be accepted and dispensed by a pharmacist or licensed pharmacist
7 intern if received from a practitioner, or a nurse licensed under chapter 43-12.1 who is
8 authorized by the practitioner to orally transmit the prescription. The practitioner shall
9 document the order for oral transmission in the patient's records. Only a licensed pharmacist or
10 a licensed pharmacist intern or a registered pharmacy technician may receive an orally
11 transmitted new or refill prescription.

12 **SECTION 7. AMENDMENT.** Subsection 6 of section 43-15-35 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 6. ~~The pharmacy has within the pharmacy at all times the latest revision of the United~~
15 ~~States Pharmacopeia/National Formulary and supplements thereto, or the United~~
16 ~~States Pharmacopeia Dispensing Information, volumes I and II (USPDI). Suitable~~
17 ~~reference sources either in book or electronic data form, available in the pharmacy~~
18 ~~or on-line, which might include the United States pharmacopeia and national~~
19 ~~formulary, the United States pharmacopeia dispensing information, facts and~~
20 ~~comparisons, micro medex, the ASHP formulary or other suitable references~~
21 ~~pertinent to the practice carried on in the licensed pharmacy.~~

22 **SECTION 8. REPEAL.** Section 43-15-33 of the North Dakota Century Code is
23 repealed.