

AN ACT

relating to the classification of and prescriptions issued for certain controlled substances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 481.074, Health and Safety Code, is amended by adding Subsection (d-1) and amending Subsection (k) to read as follows:

(d-1) Notwithstanding Subsection (d), a prescribing practitioner may issue multiple prescriptions authorizing the patient to receive a total of up to a 90-day supply of a Schedule II controlled substance if:

(1) each separate prescription is issued for a legitimate medical purpose by a prescribing practitioner acting in the usual course of professional practice;

(2) the prescribing practitioner provides written instructions on each prescription to be filled at a later date indicating the earliest date on which a pharmacy may fill each prescription;

(3) the prescribing practitioner concludes that providing the patient with multiple prescriptions in this manner does not create an undue risk of diversion or abuse; and

(4) the issuance of multiple prescriptions complies with other applicable state and federal laws.

(k) A prescription for a controlled substance must show:

- 1           (1) the quantity of the substance prescribed:
- 2                 (A) numerically, followed by the number written
- 3 as a word, if the prescription is written; or
- 4                 (B) if the prescription is communicated orally or
- 5 telephonically, as transcribed by the receiving pharmacist;
- 6           (2) the date of issue;
- 7                 (2-a) if the prescription is issued for a Schedule II
- 8 controlled substance to be filled at a later date under Subsection
- 9 (d-1), the earliest date on which a pharmacy may fill the
- 10 prescription;
- 11           (3) the name, address, and date of birth or age of the
- 12 patient or, if the controlled substance is prescribed for an
- 13 animal, the species of the animal and the name and address of its
- 14 owner;
- 15           (4) the name and strength of the controlled substance
- 16 prescribed;
- 17           (5) the directions for use of the controlled
- 18 substance;
- 19           (6) the intended use of the substance prescribed
- 20 unless the practitioner determines the furnishing of this
- 21 information is not in the best interest of the patient;
- 22           (7) the legibly printed or stamped name, address,
- 23 Federal Drug Enforcement Administration registration number, and
- 24 telephone number of the practitioner at the practitioner's usual
- 25 place of business;
- 26           (8) if the prescription is handwritten, the signature
- 27 of the prescribing practitioner; and

1           (9) if the prescribing practitioner is licensed in  
2 this state, the practitioner's department registration number.

3           SECTION 2. Subsection (e), Section 481.075, Health and  
4 Safety Code, is amended to read as follows:

5           (e) Each official prescription form used to prescribe a  
6 Schedule II controlled substance must contain:

7           (1) information provided by the prescribing  
8 practitioner, including:

9                   (A) the date the prescription is written;

10                   (B) the controlled substance prescribed;

11                   (C) the quantity of controlled substance  
12 prescribed, shown numerically followed by the number written as a  
13 word;

14                   (D) the intended use of the controlled substance  
15 or the diagnosis for which it is prescribed and the instructions for  
16 use of the substance;

17                   (E) the practitioner's name, address, department  
18 registration number, and Federal Drug Enforcement Administration  
19 number; ~~and~~

20                   (F) the name, address, and date of birth or age of  
21 the person for whom the controlled substance is prescribed; and

22                   (G) if the prescription is issued to be filled at  
23 a later date under Section 481.074(d-1), the earliest date on which  
24 a pharmacy may fill the prescription;

25           (2) information provided by the dispensing  
26 pharmacist, including the date the prescription is filled; and

27           (3) the signatures of the prescribing practitioner and

1 the dispensing pharmacist.

2 SECTION 3. Subsection (c), Section 481.0761, Health and  
3 Safety Code, is amended to read as follows:

4 (c) The director by rule may:

5 (1) permit more than one prescription to be  
6 administered or dispensed and recorded on one prescription form for  
7 a Schedule III through V controlled substance;

8 (1-a) establish a procedure for the issuance of  
9 multiple prescriptions of a Schedule II controlled substance under  
10 Section 481.074(d-1);

11 (2) remove from or return to the official prescription  
12 program any aspect of a practitioner's or pharmacist's hospital  
13 practice, including administering or dispensing;

14 (3) waive or delay any requirement relating to the  
15 time or manner of reporting;

16 (4) establish compatibility protocols for electronic  
17 data transfer hardware, software, or format;

18 (5) establish a procedure to control the release of  
19 information under Sections 481.074, 481.075, and 481.076; and

20 (6) establish a minimum level of prescription activity  
21 below which a reporting activity may be modified or deleted.

22 SECTION 4. Subchapter B, Chapter 481, Health and Safety  
23 Code, is amended by adding Section 481.037 to read as follows:

24 Sec. 481.037. CARISOPRODOL. Schedule IV includes  
25 carisoprodol.

26 SECTION 5. The change in law made by this Act applies only  
27 to the issuance of a prescription on or after the effective date of

1 this Act. The issuance of a prescription before the effective date  
2 of this Act is covered by the law in effect when the prescription  
3 was issued, and the former law is continued in effect for that  
4 purpose.

5 SECTION 6. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2009.

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President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 904 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2009, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 904 passed the House, with amendment, on May 26, 2009, by the following vote: Yeas 146, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor