

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 226

AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 25-1-9.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 9.7. Prescribing and Dispensing of Opioids

Sec. 1. As used in this chapter, "prescriber" refers to a practitioner who maintains an Indiana controlled substance registration and a federal Drug Enforcement Administration registration.

Sec. 2. (a) Except as provided in subsection (b), a prescriber may issue a prescription for an opioid only if the following limitations are met:

(1) If the prescription is for an adult who is being prescribed an opioid for the first time by the prescriber, the initial prescription may not exceed a seven (7) day supply.

(2) If the prescription is for a child who is less than eighteen (18) years of age, the prescription may not exceed a seven (7) day supply.

(b) The limitations set forth in subsection (a) do not apply under any of the following circumstances:

(1) The prescriber is issuing the prescription for the treatment or provision of any of the following:

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- (A) Cancer.
- (B) Palliative care.
- (C) Medication-assisted treatment for a substance use disorder.
- (D) A condition that is adopted by rule by the medical licensing board under IC 25-22.5-13-8 to be necessary to be exempted from subsection (a).

(2) If, in the professional judgment of a prescriber, a patient requires more than the prescription limitations specified in subsection (a).

(c) If a prescriber:

- (1) determines that a drug other than an opioid is not appropriate; and
- (2) uses an exemption specified in subsection (b)(1)(B) or (b)(2) and issues a prescription for a patient that exceeds the limitations set forth in subsection (a);

the prescriber shall document in the patient's medical record the indication that a drug other than an opiate was not appropriate and that the patient is receiving palliative care or that the prescriber is using the prescriber's professional judgment for the exemption.

Sec. 3. A prescriber shall, upon the request of the:

- (1) patient;
- (2) personal or legal representative of the patient; or
- (3) guardian of the patient;

issue the opioid prescription for a lesser amount than the prescriber initially intended to prescribe, issue the opioid prescription for the lesser amount, and indicate the request and who made the request in the patient's medical file.

Sec. 4. (a) For a partial fill of an opioid prescription, a pharmacist shall dispense, upon request of the:

- (1) patient;
- (2) personal or legal representative of the patient; or
- (3) guardian of the patient;

the lesser amount requested.

(b) If a prescription for an opioid is partially filled under subsection (a), the pharmacist shall do the following:

- (1) Comply with the partial refill requirements set forth in 21 U.S.C. 829.
- (2) Document that an individual described in subsection (a) for whom the partial prescription was filled (or the individual's personal or legal representative or guardian)



requested the partially filled prescription.

SECTION 2. IC 25-22.5-13-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. The medical licensing board of Indiana shall, in consultation with the state department of health, the office of the secretary of family and social services, and representatives of prescriber stakeholders, adopt:**

(1) emergency rules under IC 4-22-2-37.1 before December 1, 2017; and

(2) rules under IC 4-22-2;

setting forth the conditions the board considers necessary under IC 25-1-9.7-2(b)(1)(D) to be exempted from the prescribing limitations set forth in IC 25-1-9.7-2(a).

SECTION 3. **An emergency is declared for this act.**

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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