



# PHARMACY SERVICES in the States

Weekly Pharmacy Temperature Check of the States

## Heatstroke - Requires Immediate Attention: (Hot Topics)

## Heat Exhaustion - Requires Close Monitoring:

### INDIANA H.B. 285 - METH PRECURSORS

**Sponsor:** Senator Carlin Yoder (R)

**Summary:** Prohibits a retailer from selling, and a purchaser from purchasing, more than three and six-tenths grams of ephedrine or pseudoephedrine on one day, or nine grams of ephedrine or pseudoephedrine in a 30 day period. Requires a retailer to electronically transmit certain information concerning the sale of ephedrine and pseudoephedrine to the PSE tracking system provided by the National Association of Drug Diversion Investigators. Provides that the failure to transmit certain information to the PSE tracking system or the sale of ephedrine or pseudoephedrine in violation of a stop sale notice from the PSE tracking system is a Class C misdemeanor, and is enhanced to a Class A misdemeanor for a repeat offense. Establishes that the restriction and reporting requirements will be effective January 1, 2011.

**Outlook:** Public hearing scheduled January 19 in the Senate Committee on Corrections, Criminal and Civil Matters. Public testimony is permitted. Although a vote is possible, Indiana is known for having many informational hearings on a bill before it takes a vote. It is up to the sponsor to request a vote on a measure in committee.

### INDIANA S.B. 383 - METH PRECURSORS

**Sponsor:** Senator Tim Skinner (D)

**Summary:** Requires a retailer who sells drugs containing ephedrine or pseudoephedrine to: (1) post a sign warning that it is a criminal offense for a person to purchase drugs containing more than three grams of ephedrine or pseudoephedrine in one week, and that depending on the amount of ephedrine or pseudoephedrine contained in the drug, purchasing more than one package of drugs in one week may be a crime; and (2) require the clerk who is conducting the transaction to personally advise a purchaser that it is a criminal offense for a person to purchase drugs containing more than three grams of ephedrine or pseudoephedrine in one week, and that depending on the amount of ephedrine or pseudoephedrine contained in the drug, purchasing more than one package of drugs in one week may be a crime. Provides that, upon request, the clerk who conducts the transaction shall advise the purchaser how many grams of ephedrine or pseudo ephedrine are contained in the drugs being purchased.

**Outlook:** Introduced and referred to the Committee on Judiciary January 12, 2010. The bill's sponsor is a member of the minority party who does not sit on the committee of referral. This bill has not yet garnered the support of bipartisan cosponsorship which is considered important in the highly partisan Indiana General Assembly.

### IOWA H.F. 2026 - METH PRECURSORS

**Sponsor:** Representative Clel Baudler (R)

**Summary:** Requires an employee of a pharmacy or a licensed pharmacist to view stored pseudoephedrine sale information in the electronic repository to monitor and control the sale of pseudoephedrine products. Provides an employee of a pharmacy or a licensed pharmacist is required, at the point of the sale of a pseudoephedrine product, to view the stored information

in the electronic repository in order to prevent a sale that would result in a purchaser violating the pseudoephedrine purchase limits. Provides an employee of a pharmacy or a licensed pharmacist who violates the bill commits a simple misdemeanor punishable as a scheduled violation. Establishes the fine for a first offense at \$100, a second offense at \$250, and a third or subsequent offense at \$500.

**Outlook:** Introduced and referred to the House Public Safety Committee January 12, 2010. The Iowa Medical Society, State Public Defender's Office and Iowa Pharmacy Association have filed interest in this measure. The sponsor is a member of the minority party; however, he is the ranking member of the Public Safety Committee.

#### **MISSISSIPPI H.B. 559 - METH PRECURSORS**

**Sponsor:** Representative Diane C. Peranich (D)

**Summary:** Creates the "Pseudoephedrine, Ephedrine and Phenylpropanolamine Monitoring Act." Provides that only a licensed pharmacist, registered pharmacy technician or pharmacy employee may sell pseudoephedrine or products that contain any amount or related substance to pseudoephedrine. Establishes a computer monitoring system to track the sales of non-prescription products containing pseudoephedrine.

**Outlook:** Introduced and referred to House Judiciary A Committee January 12, 2010. The sponsor is a member of the majority party but does not serve on the committee of referral. The measure has no cosponsors. Democrats hold majorities in both chambers of the Legislature. With a large projected shortfall, the budget will be the dominating topic of this year's session and measures reducing tax revenues will find difficulty gaining support. Another bill that was just introduced, H.B. 642, provides that only a licensed pharmacist or one under the supervision of a licensed pharmacist may dispense an item containing pseudoephedrine.

#### **MISSISSIPPI S.B. 2341 - DEXTROMETHORPHAN, METH PRECURSORS**

**Sponsor:** Senator Sidney Albritton (R)

**Summary:** Reclassifies Dextromethorphan as a Schedule I controlled substance.

**Outlook:** Introduced and referred to Senate Judiciary B Committee January 11, 2010. The sponsor is a member of the minority party and serves on the committee of referral. The measure has no cosponsors. Democrats hold majorities in both chambers of the Legislature. With a large projected shortfall, the budget will be the dominating topic of this year's session.

#### **Mild Fever – Monitor:**

#### **ALASKA S.B. 197 - PHARMACIST CONSCIENCE CLAUSE**

**Sponsor:** Senator Fred Dyson (R)

**Summary:** Allows pharmacists the right to refuse to refer, recommend, or dispense emergency contraceptives. Provides immunity to a pharmacy for civil liability for a pharmacist's refusal to refer, recommend, or dispense emergency contraceptives. Prohibits discrimination in employment against a pharmacist who refuses to refer, recommend, or dispense emergency contraceptives.

**Outlook:** Prefiled in Senate January 8, 2010. The 2010 session is scheduled to convene January 19. The bill sponsor is a member of the majority party and sits on the likely committee of referral, the Health and Social Services Committee. Bipartisan support is essential for a measure's passage in the partisan Legislature.

#### **NEBRASKA L.B. 855 – REMOTE PHARMACY ACT**

**Sponsor:** Senator Deb Fischer (I)

**Summary:** Establishes the Remote Pharmacy Act. Requires the pharmacist in charge of a

coordinating pharmacy to apply to the Department of Health and Human Services for a remote pharmacy license prior to engaging in the practice of telepharmacy via a remote pharmacy. Prohibits a coordinating pharmacy from operating more than two remote pharmacies which are open simultaneously, or from having more than one certified pharmacy technician at each site. Requires a coordinating pharmacy to comply with the Uniform Controlled Substances Act. Provides requirements for a certified pharmacy technician at a remote pharmacy.

**Outlook:** Introduced January 11, 2010. Referred to Health and Human Services Committee January 12. In Nebraska, all Senators are unaffiliated with a political party. Senators have noted that due to the current budget situation in the state, most bills with fiscal notes will not receive consideration during the legislative session.

#### **NEW JERSEY A.B. 1030 – PAAD REIMBURSEMENT**

**Sponsor:** Assemblymember Joseph Malone (R)

**Summary:** Increases the pharmacy dispensing fees under Medicaid and Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs by \$1 over three years. Provides that the dispensing fee shall be adjusted annually, by regulation, in accordance with changes in the Consumer Price Index for all urban consumers in the New York City and Philadelphia areas as reported by the U.S. Department of Labor. Appropriates \$6,481,000 in state funds and \$3,325,000 in federal funds.

**Outlook:** Introduced in Assembly and referred to Health and Senior Services Committee January 12, 2010. The bill sponsor is a member of the minority party in the Democratically-controlled Legislature.

#### **NEW JERSEY A.B. 1088 - MEDICAL DEVICE DISTRIBUTION AND DISPOSAL**

**Sponsor:** Assemblymember Reed Gusciora (D)

**Summary:** Permits a licensed pharmacy to sell limited quantities of hypodermic syringes or needles, or any other instruments adapted for the administration of drugs by injection, to a person over 18 years of age. Requires pharmacies to keep supplies behind the counter. Requires pharmacies to make available to each person who purchases any such instrument, at the time of purchase, information about (1) the safe disposal of the instrument, including local disposal locations or a telephone number to call for that information; and (2) drug addiction treatment, including a telephone number to call for assistance in obtaining treatment.

**Outlook:** Introduced in Assembly and referred to Health and Senior Services Committee January 12, 2010. The bill sponsor is a member of the majority party in the Democratically-controlled Legislature.

#### **NEW JERSEY A.B. 1343 - DEXTROMETHORPHAN, METH PRECURSORS**

**Sponsor:** Assemblymember Mary Pat Angelini (R)

**Summary:** Prohibits the sale of products containing dextromethorphan to minors under 18 years of age.

**Outlook:** Introduced and referred to Assembly Health and Senior Services Committee January 12, 2010. The sponsor is a member of the minority party. The measure has one minority cosponsor. Democrats control both chambers of the legislature. Committee assignments for the 2010-2011 legislative session have not been finalized due to the change in leadership.

#### **VIRGINIA H.B. 1166 - CONTROLLED SUBSTANCES REPORTING**

**Sponsor:** Delegate Clarence Phillips (D)

**Summary:** Requires any person authorized to prescribe, dispense, or administer controlled substances, who has reason to believe that a person has: 1) deceived a person authorized to

prescribe, dispense, or administer controlled substances from whom he obtains or attempts to obtain a controlled substance or prescription for a controlled substance; or 2) failed to report receipt of a controlled substance or a prescription for a controlled substance, shall report the activity to the local law-enforcement agency for investigation within three business days.

**Outlook:** Introduced January 13, 2010. The bill sponsor does not sit on the likely committee of referral, the Health, Welfare and Institutions Committee. The sponsor has not garnered a bipartisan coalition in support of this measure. Bipartisan support is seen as an important indicator for a bill's prospects in the General Assembly, where the House and Senate are controlled by different parties.

#### **VIRGINIA H.B. 1167 - CONTROLLED SUBSTANCES REPORTING**

**Sponsor:** Delegate Clarence Phillips (D)

**Summary:** Requires any prescriber who prescribes a controlled substance included in Schedule II, Schedule III or Schedule IV of the Drug Control Act to a patient for a period of more than 90 days to request and review information about that patient from the Prescription Monitoring Program.

**Outlook:** Introduced January 13, 2010. The bill sponsor is a member of the minority party and does not sit on the likely committee of referral, the Health, Welfare and Institutions Committee. The sponsor has not garnered a bipartisan coalition in support of this measure.

#### **98.6 - Items of Interest:**

##### **HEALTHCARE REFORM -**

In the last two weeks **Alabama, Alaska, Kentucky, and Nebraska** have introduced bills that would amend the state constitution to prohibit any person, employer, or health care provider from being compelled to participate in any health care system. This brings the total number of states introducing such proposed laws to 17.

##### **ALABAMA -**

The Alabama Retail Association has established the following priorities for pharmacy and healthcare related action in 2010:

- maximizing FEDERAL MATCHING MONEY FOR ALABAMA'S MEDICAID PROGRAM.
- legislation to PROHIBIT LOCALITIES from enacting EMPLOYEE BENEFIT MANDATES.
- legislation to allow pharmacies to capture a DIGITAL IMAGE OF A PRESCRIPTION that will constitute the original prescription.

For more information on ARA's legislative platform contact Rick Brown, [rbrown@alabamaretail.org](mailto:rbrown@alabamaretail.org).

##### **MARIJUANA CONTROLLED SUBSTANCES REPORTING / DISTRIBUTION -**

Tennessee and New York and Michigan have introduced bills to clarify new laws allowing for the dispensing of medical marijuana. For more information on these proposed bills contact D'Ann Long, [dlong@fmi.org](mailto:dlong@fmi.org).