



PHARMACY SERVICES in the States

Weekly Pharmacy Temperature Check of the States

Heatstroke - Requires Immediate Attention: (Hot Topics:)

KENTUCKY H.B. 497 - SALES RESTRICTIONS (METH PRECURSORS)

Sponsor: Representative Carolyn Belcher (D)

Summary: Requires prescriptions for any product or compound containing pseudoephedrine, ephedrine or phenylpropanolamine.

Outlook: Introduced in House February 24, 2010. The bill sponsor is a member of the majority party. The measure has garnered two additional majority party cosponsors. Bipartisan support is seen as essential for a bill's passage in the partisan Kentucky Legislature.

Heat Exhaustion - Requires Close Monitoring:

ALABAMA S.B. 457 - PHARMACIST CONSCIENCE CLAUSE

Sponsor: Senator Rusty Glover (R)

Summary: Provides health care providers, institutions, and payers the right to decline participation in a health care service that violates his or her conscience, and to be immune from civil, criminal, or administrative liability. Imposes legal liability upon any public official, agency, institution, or entity for the discrimination or denial of financial assistance to any health care provider, institution, or payer on account of his or her refusal to participate in a health care service that violates his or her conscience.

Outlook: Introduced in Senate and referred to Judiciary Committee February 23, 2010. The sponsor is a member of the minority party in the Democratic-controlled Alabama Legislature. The measure has not garnered additional cosponsors. In Alabama, committees are not required to hear all bills referred to them.

ILLINOIS S.B. 2552 - INVENTORY / PHARMACIST CONSCIENCE CLAUSE

Sponsor: Senator Iris Martinez (D)

Summary: Requires pharmacies to stock a representative sample of every kind of pharmaceutical as well as require a pharmacist to dispense any medicine regardless of the pharmacist's right of conscience.

Outlook: Senator Martinez convened a subject-matter only hearing of the Senate Licensed Activities Committee to hear from all interested parties. IRMA President David F. Vite testified on behalf of retail pharmacies noting that the proposal would impose significant costs on retail pharmacies.

ILLINOIS H.B. 5517 - PHARMACY PRACTICE ACT AMENDMENTS

Sponsor: Representative Rosemary Mulligan (R)

Summary: Seeks to amend the Pharmacy Practice Act to do three things, all related to generic drugs. First, if a prescriber prescribes a specific generic drug, then the pharmacist may not dispense a generic drug with a different active pharmaceutical ingredient. Second, if a pharmacist receives verbal approval from the patient, then the pharmacist may dispense another generic drug with the same active pharmaceutical ingredient as the generic drug originally prescribed. Third, if the prescriber changes a patient's prescription to a generic drug other than the specific drug that was originally prescribed, the pharmacist must verbally notify the patient of this change at the time of dispensing and advise the patient of his/her right to refuse the change.

Outlook: House Human Services Committee approved H.B. 5517 for further consideration by the full House.

UPDATE INDIANA H.B. 1320 - SALES RESTRICTIONS (METH PRECURSORS)

Sponsor: Representative Earl Harris (D)

Summary: Current version prohibits a retailer from selling, and a purchaser from purchasing, more than 3.6 grams of ephedrine or pseudoephedrine on one day, or nine grams of ephedrine or pseudoephedrine in a 30 day period. Requires a retailer that 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 certain quantities of ephedrine or pseudoephedrine; 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 certain quantities of ephedrine or pseudoephedrine. Provides that, upon request, the clerk who conducts the transaction shall advise the purchaser how many grams of ephedrine or pseudoephedrine are contained in the drugs being purchased.

Outlook: Passed Senate and returned to House February 25. The bill now has to go back to the House for consideration and concurrence of Senate amendments.

KENTUCKY H.B. 478 - SALES RESTRICTIONS (METH PRECURSORS)

Sponsor: Representative Tanya Pullin (D)

Summary: Provides that no person shall purchase, receive or otherwise acquire 6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, within a 30-day period.

Outlook: Introduced in the House February 23, 2010. The sponsor is a member of the majority party in the House and chairs the likely committee of referral, the Committee on Military Affairs and Public Safety. Committees are not required to hear all bills referred to them. The onus of scheduling bills for consideration is on the chair; therefore, this measure will likely be heard. The sponsor has not garnered bipartisan support for this measure. Bipartisan support is seen as an important indicator in the Legislature, where the House and Senate are controlled by different parties.

MISSOURI H.B. 2232 - PHARMACIST CONSCIENCE CLAUSE

Sponsor: Representative Beth Low (D)

Summary: Prohibits a pharmacist from failing to dispense a prescribed drug or device for contraception use and prohibits a pharmacy from intimidating, harassing or threatening their customers. Provides that nothing shall prohibit a pharmacy from refusing to dispense a prescribed drug or device for contraception use if there is a valid medical concern that the drug or device will cause problems or the customer is unable to pay for the drug or device.

Outlook: Introduced February 25, 2010. The bill sponsor, Representative Beth Low (D), is a member of the minority party and does not sit on the likely committee of referral, the Special Standing Committee on Children and Families. The bill sponsor introduced similar legislation last session, H.B. 999, which was not heard in committee. Committee referrals do not guarantee that a bill will receive a hearing.

RHODE ISLAND S.B. 2447 - PHARMACIST CONSCIENCE CLAUSE

Sponsor: Senator Frank Ciccone (D)

Summary: Provides protection from discrimination to all health care providers, including pharmacists, who chose not to participate in a health care service that violates the conscience of the health care provider.

Outlook: Introduced in Senate and referred to Judiciary Committee February 11, 2010. The

measure has been backdated to coincide with the Senate introduction deadline. The bill sponsor is a member of the majority party in the Democratically-controlled General Assembly. The measure has garnered four additional cosponsors, including the chair and two additional members of the committee of referral, increasing the likelihood of consideration. By rule, all measures introduced in Rhode Island must be considered in a committee.

Mild Fever – Monitor:

UPDATE ALABAMA H.B. 528 - CONTROLLED SUBSTANCES REPORTING (METH PRECURSORS)

Sponsor: Representative Frank McDaniel (D)

Summary: Current version (February 23) requires retailers to verify that the purchaser of a product containing certain quantities of ephedrine or pseudoephedrine is not in violation of the law through an online electronic verification system. Provides penalties for violations.

Outlook: Passed House as amended February 23. After unanimously passing the House with amendments incorporating ephedrine in all provisions of the bill, the measure awaits consideration in the Senate. The Senate clerk anticipates the measure will pass.

ALASKA H.B. 372 - MEDICAID PRESCRIPTION COVERAGE/REIMBURSEMENT, REBATES

Sponsor: Representative David Guttenberg (D)

Summary: Establishes the Alaska Prescription Drug Program. Enables the state to: 1) purchase prescription drugs at discount prices; 2) reimburse participating pharmacies for prescription drug rebates obtained; 3) increase the availability of prescription drugs at the lowest possible cost to program participants; and 4) maintain a list of prescription drugs recommended as the most effective prescription drug available at the lowest price.

Outlook: Introduced in House and referred to Health and Social Services Committee February 23, 2010. The bill sponsor is a member of the minority party. The measure has not garnered additional cosponsors. Bipartisan support is essential for a measure's passage in the partisan Legislature. If the measure passes the Health and Social Services Committee, it must then receive consideration in the Finance Committee before being considered on the House floor.

CALIFORNIA A.B. 2548 - CONTROLLED SUBSTANCES REPORTING

Sponsor: Assemblymember Marty Block (D)

Summary: Establishes the Prescription Drug Monitoring Program (PDMP) under the Department of Justice to monitor any practitioner or pharmacist (PDMP subscriber) who has obtained approval, as specified, to access, using the Internet, the electronic history of controlled substances dispensed to an individual under his or her care based on data contained in the existing Controlled Substance Utilization Review and Evaluation System (CURES), as well as the number, amount, and type of controlled substances being dispensed to an individual under his or her care, in order to control the diversion and resultant abuse of, and to ensure the safe and lawful dispensing of, Schedule II, Schedule III and Schedule IV controlled substances. Provides that the Department of Justice may establish, by regulation, a system for the issuance to a PDMP subscriber of a citation which may contain an order of abatement or an order to pay a n administrative fine assessed by the Department, if the subscriber is in violation of any provision of, or any regulation adopted by the Department pursuant to, the Uniform Controlled Substances Act. Provides that the theft or loss of prescription information or prescription forms shall be reported, as specified, no later than three days after the discovery of the theft or loss.

Outlook: Introduced February 19, 2010. The bill sponsor is a member of the majority party and does not serve on the likely committee of referral, the Assembly Business and Professions Committee. This bill may also be double referred to the Assembly Judiciary Committee since it deals with issue relating to privacy. The bill has no cosponsors. By rule, this bill must be in print

for 30 days before a committee may act on it.

MICHIGAN H.B. 5877 - MEDICAID PRESCRIPTION COVERAGE

Sponsor: Representative Gary McDowell (D)

Summary: Provides that for fee-for-service recipients who do not reside in nursing homes, the pharmaceutical dispensing fee shall be \$2.50 or the pharmacy's usual or customary cash charge, whichever is less.

Outlook: Introduced and referred to Appropriations Committee February 23, 2010. This is the Fiscal Year 2010-2011 Appropriations Bill for the Department of Community Health. The bill sponsor, Representative Gary McDowell (D), is the chair of the Appropriations Committee's Subcommittee on Community Health. The Appropriations Committee has not scheduled any hearings on the bill. The deadline to enact the budget is October 1.

UPDATE WISCONSIN A.B. 482 - PRESCRIPTION COVERAGE/REIMBURSEMENT

Sponsor: Representative Jon Richards (D)

Summary: Current version exempts prescription drugs from the Unfair Sales Act. The Unfair Sales Act prohibits wholesale and retail sales of merchandise at a price below the cost of the merchandise to the seller.

Outlook: Passed Assembly as amended February 25. After passing the Assembly by a voice vote with amendments addressing some members' concerns with the bill's impact on small independent pharmacies, the measure awaits consideration in the Senate. The Senate clerk could not indicate the likelihood of the measure's passage.

98.6 – Items of Interest:

New Massachusetts Data Security Laws Go Into Effect Today, March 1, 2010

A new law that dictates how personal information (PI) and data should be stored and treated prior to any data breach has been enacted in Massachusetts. Starting March 1, 2010 for any company, organization, association or entity that has any PI of a Massachusetts resident the rules will change. This includes entities that are not located in or do business in Massachusetts, but simply maintain PI on Massachusetts residents, for instance customers or employees. Look up the Massachusetts' breach notification law, MGLA 93H § 1 et seq., to learn more.