

HOUSE BILL NO. 254

INTRODUCED BY HARRIS, BECKER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A CIVIL OFFENSE FOR A MEDICAL PRACTITIONER
5 TO ISSUE A WRITTEN PRESCRIPTION ON WHICH THE NAME OF THE DRUG OR₁ DOSAGE₁
6 INSTRUCTIONS, OR IDENTIFIERS OF THE PRESCRIBING MEDICAL PRACTITIONER CANNOT BE
7 DETERMINED; PROVIDING FOR ENFORCEMENT; REQUIRING ADOPTION OF RULES; AND PROVIDING
8 AN APPLICABILITY DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 NEW SECTION. Section 1. Civil penalty for unreadable prescription. (1) A medical practitioner may
13 not issue a written prescription, to be delivered to a patient or pharmacy, in such a manner that the name of the
14 drug or₁ the dosage or ~~both the name and dosage~~, THE INSTRUCTIONS FOR USE, THE PRINTED NAME OR OTHER
15 IDENTIFYING LETTERS OR NUMBERS UNIQUE TO THE MEDICAL PRACTITIONER, AND, IF REQUIRED, THE FEDERAL DRUG
16 ENFORCEMENT AGENCY IDENTIFYING NUMBER cannot be read by a ~~person of ordinary intelligence and learning~~
17 REGISTERED PHARMACIST LICENSED TO PRACTICE IN THIS STATE.

18 (2) ANY PERSON MAY FILE A COMPLAINT ALLEGING A VIOLATION OF SUBSECTION (1) WITH THE BOARD THAT
19 LICENSED THE MEDICAL PRACTITIONER WHO ISSUED THE PRESCRIPTION. THE BOARD MAY INVESTIGATE THE COMPLAINT
20 AND TAKE ANY ACTION AND IMPOSE ANY SANCTION ALLOWED BY THE STATUTES RELATING TO THE BOARD AND RULES
21 ADOPTED BY THE BOARD. EACH BOARD LICENSING A MEDICAL PRACTITIONER SHALL ADOPT RULES TO IMPLEMENT THIS
22 SECTION.

23 (3) THE BOARD MAY REFER THE COMPLAINT TO THE COUNTY ATTORNEY OF THE COUNTY IN WHICH THE
24 PRESCRIPTION WAS ISSUED, WHETHER OR NOT THE BOARD ITSELF HAS TAKEN ANY ACTION OR IMPOSED ANY SANCTION.
25 A COUNTY ATTORNEY MAY NOT FILE AN ACTION ALLEGING A VIOLATION OF SUBSECTION (1) UNLESS A COMPLAINT HAS
26 BEEN REFERRED TO THE COUNTY ATTORNEY BY THE MEDICAL PRACTITIONER'S LICENSING BOARD.

27 ~~(2)(4)~~ (4) A medical practitioner who violates subsection (1) is guilty of a civil offense and may be punished
28 by a civil penalty of not more than \$500 for each prescription.

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30 NEW SECTION. SECTION 2. TIME FOR ADOPTING RULES. RULES REQUIRED BY [SECTION 1(2)] MUST BE

1 ADOPTED BY JULY 1, 2006.

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3 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
4 integral part of Title 37, chapter 2, part 1, and the provisions of Title 37, chapter 2, part 1, apply to [section 1].

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6 NEW SECTION. Section 4. Applicability. [This act] applies to a prescription written after [the effective
7 date of this act].

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