

## 1 SENATE BILL NO. 472

2 INTRODUCED BY J. BRENDEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE PERMISSIBLE DURATION OF A WRITTEN  
5 PRESCRIPTION IS 90 DAYS FROM THE DATE OF ISSUANCE; AMENDING SECTIONS 37-7-401 AND  
6 50-31-307, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 **Section 1.** Section 37-7-401, MCA, is amended to read:

11 **"37-7-401. Restrictions on prescriptions.** (1) An authorized prescriber may not sell, give to, or  
12 prescribe for any person any opium, morphine, alkaloid-cocaine, alpha or beta eucaine, codeine, heroin, or any  
13 derivative, mixture, or preparation of any of them, except to a patient believed in good faith to require opium,  
14 morphine, alkaloid-cocaine, alpha or beta eucaine, codeine, heroin, or any derivative, mixture, or preparation of  
15 the enumerated substances for medical use and in quantities proportioned to the needs of the patient.

16 (2) A prescription is valid for 90 days after issuance and must be written so that the prescription can be  
17 compounded by any registered pharmacist. The coding of any prescription is a violation of this section.

18 (3) A prescription marked "non repetatur", "non rep", or "N.R." cannot be refilled. A prescription marked  
19 to be refilled may be filled by any registered pharmacist the number of times marked on the prescription. A  
20 prescription not bearing any refill instructions may not be refilled without first obtaining permission from the  
21 prescriber. A prescription may not be refilled for more than 1 year from the date the prescription was originally  
22 written. A Schedule II prescription may not be refilled."

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24 **Section 2.** Section 50-31-307, MCA, is amended to read:

25 **"50-31-307. Dispensing of prescription drugs.** (1) A drug intended for use by humans that is included  
26 in one of the categories in subsection (2) may be dispensed only:

27 (a) upon a written prescription of a practitioner licensed by law to administer the drug; The prescription  
28 is valid for 90 days after issuance.

29 (b) upon an oral prescription of the practitioner that is reduced promptly to writing and filed by the  
30 pharmacist; or

1 (c) by refilling a written or oral prescription if the refilling is authorized by the practitioner, either in the  
2 original prescription or by an oral order that is reduced promptly to writing and filed by the pharmacist.

3 (2) A drug must be dispensed as provided in subsection (1) if the drug:

4 (a) is a habit-forming drug to which 50-31-306(1)(d) applies;

5 (b) because of its toxicity or other potentiality for harmful effect, the method of its use, or the collateral  
6 measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law  
7 to administer the drug; or

8 (c) is limited by an approved application under section 505 of the federal act (21 U.S.C. 355) or  
9 50-31-311 to use under the professional supervision of a practitioner licensed by law to administer the drug.

10 (3) If the drug is a factory prepackaged contraceptive, other than mifepristone, it may be dispensed as  
11 provided in subsection (1) or by a registered nurse employed by a family planning clinic under contract with the  
12 department of public health and human services pursuant to a physician's written protocol specifying the  
13 circumstances under which dispensing is appropriate and pursuant to the board of pharmacy's rules concerning  
14 labeling, storage, and recordkeeping of drugs.

15 (4) The act of dispensing a drug contrary to the provisions of this section is considered an act that results  
16 in a drug being misbranded while held for sale."

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18 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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