

HOUSE BILL NO. 307
INTRODUCED BY D. ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A MEDICAL PRACTITIONER TO DISPENSE DRUGS IF A PHARMACY IS NOT AVAILABLE WITHIN 25 MILES OF A PATIENT'S RESIDENCE; AND AMENDING SECTION 37-2-104, MCA."

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

Section 1. Section 37-2-104, MCA, is amended to read:

"37-2-104. Dispensing of drugs by medical practitioners unlawful -- exceptions. (1) Except as otherwise provided by this section, it is unlawful for a medical practitioner to engage, directly or indirectly, in the dispensing of drugs.

(2) This section does not prohibit:

- (a) a medical practitioner from furnishing a patient any drug in an emergency;
- (b) the administration of a unit dose of a drug to a patient by or under the supervision of a medical practitioner;
- (c) dispensing a drug to a patient by a medical practitioner whenever there is no community pharmacy available to the patient;
- (d) the dispensing of drugs occasionally, but not as a usual course of doing business, by a medical practitioner;
- (e) a medical practitioner from dispensing drug samples;
- (f) the dispensing of factory prepackaged contraceptives, other than mifepristone, by a registered nurse employed by a family planning clinic under contract with the department of public health and human services if the dispensing is in accordance with:
 - (i) a physician's written protocol specifying the circumstances under which dispensing is appropriate; and
 - (ii) the drug labeling, storage, and recordkeeping requirements of the board of pharmacy;
- (g) a contract physician at an urban Indian clinic from dispensing drugs to qualified patients of the clinic.

The clinic may not stock or dispense any dangerous drug, as defined in 50-32-101, or any controlled substance. The contract physician may not delegate the authority to dispense any drug for which a prescription is required under 21 U.S.C. 353(b).

(h) a medical practitioner from dispensing a drug the medical practitioner has prescribed if the drug is not otherwise available from a pharmacy within 25 miles of the patient's residence."

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