COMMITTEE REPORT

April 19, 2018

**H. 3826**

Introduced by Reps. Huggins, Bedingfield, Fry, Henderson, Johnson, Hewitt, Crawford, Duckworth, Allison, Forrester, Tallon, Hamilton, Felder, Elliott, B. Newton, Martin, Erickson, Dillard, G.R. Smith, Robinson‑Simpson, Long, Taylor, Hixon, Arrington, Bennett, W. Newton, Putnam and Cogswell

S. Printed 4/19/18--S.

Read the first time March 21, 2018.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (H. 3826) to amend Section 44‑53‑360, as amended, Code of Laws of South Carolina, 1976, relating to prescriptions, so as to require the Department of Health, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 1, page 2, by striking lines 6-12 and inserting:

/ (5) If a written prescription is not submitted on a tamper‑resistant prescription form meeting the requirements of this section, a pharmacy may fill the prescription in full as written on an emergency basis as long as the pharmacy receives a verbal, facsimile, electronic, or compliant written prescription from the prescriber within seventy‑two hours after the date on which the prescription was filled.” /

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 44‑53‑360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRESCRIPTIONS, SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP A COUNTERFEIT‑RESISTANT PRESCRIPTION BLANK, WHICH MUST BE USED BY PRACTITIONERS FOR THE PURPOSE OF PRESCRIBING CONTROLLED SUBSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑53‑360 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( )(1) A written prescription for any Schedule II, III, IV, and V controlled substance must be written on tamper‑resistant prescription pads which contain one or more industry‑recognized features designed to prevent all of the following:

(A) unauthorized copying of a completed or blank prescription form;

(B) erasure or modification of information written on the prescription by the prescriber; and

(C) use of counterfeit prescription forms.

(2) Prescription orders transmitted by facsimile, orally, or electronically are exempt from the tamper‑resistant prescription pad requirements of this section.

(3) The tamper‑resistant prescription pad requirements do not apply to refill prescriptions of an original written prescription that was presented to a pharmacy before the effective date of this act.

(4) The exceptions set forth in Section 1927 (k)(3) of the Social Security Act, 42 U.S.C. Section 1396r‑8(k)(3), concerning nursing facilities, hospitals, and other institutional and clinical settings, are exempt from the tamper‑resistant prescription pad requirements of this section.

(5) If a written prescription is not submitted on a tamper‑resistant prescription form meeting the requirements of this section, a pharmacy may fill the prescription in full as written on an emergency basis as long as the pharmacy receives a verbal, telephone facsimile, electronic, or compliant written prescription within seventy‑two hours after the date on which the prescription was filled.”

SECTION 2. This act takes effect sixty days after approval by the Governor.

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