**South Carolina General Assembly**

123rd Session, 2019-2020

**A160, R185, H4938**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Ridgeway

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Introduced in the House on January 15, 2020

Introduced in the Senate on March 4, 2020

Last Amended on September 16, 2020

Passed by the General Assembly on September 22, 2020

Governor's Action: September 28, 2020, Signed

Summary: Electronic prescriptions

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/15/2020 House Introduced and read first time ([House Journal‑page 73](file:///h%3A%5Chj%5C20200115.docx))

 1/15/2020 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 73](file:///h%3A%5Chj%5C20200115.docx))

 2/20/2020 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 9](file:///h%3A%5Chj%5C20200220.docx))

 2/24/2020 Scrivener's error corrected

 2/26/2020 House Debate adjourned until Thur., 2‑27‑20 ([House Journal‑page 57](file:///h%3A%5Chj%5C20200226.docx))

 3/3/2020 House Amended ([House Journal‑page 23](file:///h%3A%5Chj%5C20200303.docx))

 3/3/2020 House Read second time ([House Journal‑page 23](file:///h%3A%5Chj%5C20200303.docx))

 3/3/2020 House Roll call Yeas‑95 Nays‑0 ([House Journal‑page 25](file:///h%3A%5Chj%5C20200303.docx))

 3/4/2020 Scrivener's error corrected

 3/4/2020 House Read third time and sent to Senate ([House Journal‑page 7](file:///h%3A%5Chj%5C20200304.docx))

 3/4/2020 Senate Introduced and read first time ([Senate Journal‑page 13](file:///h%3A%5Csj%5C20200304.docx))

 3/4/2020 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 13](file:///h%3A%5Csj%5C20200304.docx))

 9/15/2020 Senate Committee report: Favorable with amendment **Medical Affairs** ([Senate Journal‑page 11](file:///h%3A%5Csj%5C20200915.docx))

 9/16/2020 Senate Committee Amendment Adopted ([Senate Journal‑page 24](file:///h%3A%5Csj%5C20200916.docx))

 9/16/2020 Senate Read second time ([Senate Journal‑page 24](file:///h%3A%5Csj%5C20200916.docx))

 9/16/2020 Senate Roll call Ayes‑40 Nays‑1 ([Senate Journal‑page 24](file:///h%3A%5Csj%5C20200916.docx))

 9/16/2020 Senate Unanimous consent for third reading on next legislative day ([Senate Journal‑page 24](file:///h%3A%5Csj%5C20200916.docx))

 9/17/2020 Senate Read third time and returned to House with amendments ([Senate Journal‑page 7](file:///h%3A%5Csj%5C20200917.docx))

 9/22/2020 House Concurred in Senate amendment and enrolled ([House Journal‑page 14](file:///h%3A%5Chj%5C20200922.docx))

 9/22/2020 House Roll call Yeas‑108 Nays‑0 ([House Journal‑page 14](file:///h%3A%5Chj%5C20200922.docx))

 9/25/2020 Ratified R 185

 9/28/2020 Signed By Governor

 10/2/2020 Effective date 01/01/21

 10/2/2020 Act No.  160

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**VERSIONS OF THIS BILL**

[1/15/2020](file:///p%3A%5Cpprever%5C2019-20%5C4938_20200115.docx)

[2/20/2020](file:///p%3A%5Cpprever%5C2019-20%5C4938_20200220.docx)

[2/24/2020](file:///p%3A%5Cpprever%5C2019-20%5C4938_20200224.docx)

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[3/4/2020](file:///p%3A%5Cpprever%5C2019-20%5C4938_20200304.docx)

[9/15/2020](file:///p%3A%5Cpprever%5C2019-20%5C4938_20200915.docx)

[9/16/2020](file:///p%3A%5Cpprever%5C2019-20%5C4938_20200916.docx)

(A160, R185, H4938)

**AN ACT TO AMEND SECTION 44‑53‑360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO ELECTRONIC PRESCRIPTIONS, SO AS TO ADD CERTAIN EXCEPTIONS TO ELECTRONIC PRESCRIBING REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS.**

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

**Electronic prescribing requirement, exceptions**

SECTION 1. Section 44‑53‑360(j)(5), as last amended by Act 65 of 2019, and (k)(1), as added by Act 243 of 2018, of the 1976 Code, is further amended to read:

 “(k)(1) Unless otherwise exempted by this subsection, a practitioner shall electronically prescribe any controlled substance included in Schedules II, III, IV, and V. This subsection does not apply to prescriptions for a controlled substance included in Schedules II through V issued by any of the following:

 (A) a practitioner, other than a pharmacist, who dispenses directly to the ultimate user;

 (B) a practitioner who orders a controlled substance included in Schedules II through V to be administered in a hospital, nursing home, hospice care program, home infusion pharmacy, outpatient dialysis facility, or residential care facility;

 (C) a practitioner who experiences temporary technological or electrical failure or other extenuating technical circumstances that prevent a prescription from being transmitted electronically; however, the practitioner must document the reason for this exception in the patient’s medical record;

 (D) a practitioner who writes a prescription for a controlled substance included in Schedules II through V to be dispensed by a pharmacy located on federal property; however, the practitioner must document the reason for this exception in the patient’s medical record;

 (E) a person licensed to practice veterinary medicine pursuant to Chapter 69, Title 40;

 (F) a practitioner who writes a prescription for a controlled substance included in Schedules II through V for a patient who is being discharged from a hospital, emergency department, or urgent care or for a patient who is receiving services from a facility established pursuant to Section 44‑11‑10; or

 (G) a practitioner who issues an oral authorization in the case of an emergency situation.

 (2) A prescription for a controlled substance included in Schedules II, III, IV, and V that includes elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard is exempt from this subsection.

 (3) A dispenser is not required to verify that a practitioner properly falls under one of the exceptions specified in item (1) or (2) before dispensing a controlled substance included in Schedules II through V. A dispenser may continue to dispense a controlled substance included in Schedules II through V from valid written, oral, faxed, or electronic prescriptions that are otherwise consistent with applicable laws.

 (4) A dispenser is immune from any civil or criminal liability or disciplinary action from the State Board of Pharmacy for dispensing a prescription written by a prescriber that is in violation of this subsection.

 (l)(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.”

**Time effective**

SECTION 2. This act takes effect January 1, 2021.

Ratified the 25th day of September, 2020.

Approved the 28th day of September, 2020.

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