**A** **BILL**

TO AMEND SECTION 44-53-360(j) OF THE 1976 CODE, RELATING TO CONTROLLED SUBSTANCE PRESCRIPTIONS, TO REQUIRE THE USE OF ELECTRONIC PRESCRIPTIONS AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. Section 44‑53‑360(j) of the 1976 Code is amended by adding an appropriately numbered item to read:

“( )(a) Unless otherwise exempted by this subsection, a practitioner shall electronically prescribe any targeted controlled substance. This subsection does not apply to prescriptions for a targeted controlled substance issued by any of the following:

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

(ii) a practitioner who orders a targeted controlled substance to be administered in a hospital, nursing home, hospice facility, outpatient dialysis facility, or residential care facility;

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

(iv) a practitioner who writes a prescription for a targeted controlled substance 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; or

(v) a person licensed to practice veterinary medicine pursuant to Chapter 69, Title 40.

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

(c) 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.”

SECTION 2. This act takes effect upon approval by the Governor.

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