~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 7, 2019

**S. 16**

Introduced by Senators Rankin and Cash

S. Printed 5/7/19--H.

Read the first time January 30, 2019.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Amended by Senate Medical Affairs on January 24, 2019**

**State Expenditure**

This bill increases the amount of prescription medication that a pharmacist may dispense as part of an emergency refill. Pharmacists are licensed and monitored by the Board of Pharmacy, which is under the regulation of LLR. LLR indicates that this bill does not create additional responsibilities of the board. Therefore, this bill will have no expenditure impact on LLR.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 40-43-86(P) OF THE 1976 CODE, RELATING TO EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS, TO INCREASE THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT OBTAINABLE FROM A TEN-DAY SUPPLY TO A THIRTY-DAY SUPPLY, AND TO PROVIDE CONDITIONS.

Amend Title To Conform

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

SECTION 1. Section 40-43-86(P) of the 1976 Code is amended to read:

“(P) If a pharmacist receives a request for a prescription refill and the pharmacist is unable to obtain refill authorization from the prescriber, the pharmacist may dispense, once within a twelve‑month period, an emergency refill of up to a ~~ten‑day~~ fourteen-day supply of the prescribed medication if:

(1) the prescription is not for a controlled substance;

(2) the medication is essential to the maintenance of life or to the continuation of therapy;

(3) in the pharmacist’s professional judgment, continuing the therapy for up to ~~ten~~ fourteen days will produce no undesirable health consequences or cause physical or mental discomfort;

(4) the pharmacist properly records the dispensing and labels the medication package as an emergency refill; and

(5) the dispensing pharmacist notifies the prescriber of the refill and the amount of the refill, not to exceed a ~~ten‑day~~ fourteen-day supply, within a reasonable time, but no later than ten days after the once in twelve months refill dispensing.

In the event that a pharmacist is unable to dispense an emergency refill for the time period specified in this subsection due to the medication’s packaging, the pharmacist is permitted to dispense up to a thirty-day quantity of the medication so long as the requirements contained in this subsection are otherwise met.”

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

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