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H.121

Introduced by Representatives Wizowaty of Burlington, Bissonnette of
Winooski, Burditt of West Rutland, Cole of Burlington, Connor
of Fairfield, Conquest of Newbury, Cross of Winooski, Dakin
of Chester, Donahue of Northfield, Fisher of Lincoln, Frank of
Underhill, French of Randolph, Hooper of Montpelier, Keenan
of St. Albans City, Krowinski of Burlington, Lenex of
Shelburne, Malcolm of Pawlet, Marek of Newfane, Masland of
Thetford, McCullough of Williston, Mook of Bennington,
Moran of Wardsboro, Mrowicki of Putney, Poirier of Barre
City, Potter of Clarendon, Toll of Danville, Trieber of
Rockingham, Weed of Enosburgh, and Zagar of Barnard

Referred to Committee on

Date:

Subject: Health; regulated drugs; prescription records; access at pharmacies by
law enforcement officers

Statement of purpose of bill as introduced: This bill proposes to repeal the
statutory provision permitting law enforcement officers to have access without
a warrant to prescription records at pharmacies.

1 An act relating to law enforcement access to prescription records at
2 pharmacies

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 18 V.S.A. § 4218 is amended to read:

5 § 4218. ENFORCEMENT

6 (a) It is hereby made the duty of the ~~department of public safety~~
7 Department of Public Safety, its officers, agents, inspectors, and
8 representatives, and pursuant to its specific authorization any other peace
9 officer within the ~~state~~ State, and of all state's attorneys, to enforce all
10 provisions of this chapter and of the rules and regulations of the ~~board of~~
11 ~~health~~ Board of Health adopted under this chapter, except those otherwise
12 specifically delegated, and to cooperate with all agencies charged with the
13 enforcement of the federal drug laws, this chapter, and the laws of other states
14 relating to regulated drugs.

15 (b) ~~Such authorities and their specifically authorized agents shall have, at~~
16 ~~all times, access to all orders, prescriptions, and records kept or maintained~~
17 ~~under this chapter, as provided herein. [Repealed.]~~

18 (c) A person who gives information to law enforcement officers, the ~~drug~~
19 ~~rehabilitation commission~~ Drug Rehabilitation Commission, or professional
20 boards as defined in section 4201 of this title and their specifically authorized
21 agents, concerning the use of regulated drugs or the misuse by other persons of

1 regulated drugs, shall not be subject to any civil, criminal, or administrative
2 liability or penalty for giving ~~such~~ the information.

3 (d) Nothing in this section shall authorize the ~~department of public safety~~
4 Department of Public Safety and other authorities described in subsection (a)
5 of this section to have access to VPMS (Vermont ~~prescription monitoring~~
6 ~~system~~ Prescription Monitoring System) created pursuant to chapter 84A of
7 this title, except as provided in that chapter.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on passage.