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H.826

Introduced by Representatives Cordes of Lincoln, Christensen of
Weathersfield, Cina of Burlington, Hooper of Burlington,
Lanpher of Vergennes, Rogers of Waterville, Townsend of
South Burlington, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Health; health care practitioners; regulated drugs

Statement of purpose of bill as introduced: This bill proposes to update
statutes related to the authorized professional use of regulated drugs to reflect
that prescribing, administering, and dispensing regulated drugs is within the
existing scope of practice of many health care professional disciplines.

An act relating to the authorized professional use of regulated drugs

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

Sec. 1. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

* * *

(24) “Practitioner” ~~includes a physician, dentist, veterinarian, surgeon,~~
~~or any other person who may be lawfully entitled under this chapter to~~ means

1 any health care professional licensed in this State who, within the health care
2 professional's scope of practice, may distribute, dispense, prescribe, or
3 administer regulated drugs to patients.

4 * * *

5 Sec. 2. 18 V.S.A. § 4210 is amended to read:

6 § 4210. AUTHORIZED SALES ON WRITTEN ORDERS, RECORDS

7 (a) ~~Every physician, dentist, veterinarian, or other person who is licensed to~~
8 ~~administer, sell, dispense, or professionally use regulated drugs~~ Each
9 practitioner shall keep a record of ~~such drugs received by him or her~~ all
10 regulated drugs the practitioner receives and a record of all ~~such~~ regulated
11 drugs administered, dispensed, or professionally used by ~~him or her~~ otherwise
12 the practitioner other than by prescription, in accordance with subsection (d) of
13 this section. It shall, however, be deemed a sufficient compliance with this
14 subsection if ~~any such person~~ a practitioner using small quantities of solutions
15 or other preparations of ~~such~~ regulated drugs for local application ~~shall keep~~
16 maintains a record of the quantity, character, and potency of ~~such~~ the solutions
17 or other preparations ~~purchased or made up by him or her~~ the practitioner
18 purchased or prepared, and of the dates ~~when purchased or made up of~~
19 purchase or preparation, without keeping a record of the amount of each such
20 solution or other preparation the practitioner applied by ~~him or her~~ to
21 individual patients.

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Sec. 3. 18 V.S.A. § 4212 is amended to read:

§ 4212. LABELS

(a) Whenever a manufacturer sells or dispenses a regulated drug ~~and~~
~~whenever~~ in a package prepared by the manufacturer or a wholesaler sells or
dispenses a regulated drug in a package prepared by ~~him or her~~ the wholesaler,
~~he or she~~ the manufacturer or wholesaler, as applicable, shall securely affix to
each package in which that drug is contained a label showing in legible English
the name and address of the vendor and the quantity, kind, and form of
regulated drug contained therein. No person, except a pharmacist or
dispensing ~~physician~~ practitioner for the purpose of filling a prescription under
this chapter, shall alter, deface, or remove any label so affixed.

(b)(1) Whenever a pharmacist or an employee of a hospital, infirmary,
school, first aid station, or nursing home sells or dispenses any regulated drug,
~~he or she~~ the pharmacist or employee shall affix to the container in which ~~such~~
the drug is sold or dispensed a label showing:

(A) ~~his or her~~ the pharmacist's or employee's own name, address,
and registry number, or the name, address, and registry number of the
pharmacist or hospital or nursing home for whom ~~he or she~~ the pharmacist or
employee is lawfully acting;

1 (B) the name and address of the patient, or if the patient is an animal,
2 the name and address of the owner of the animal and the species of the animal;

3 (C) the name, address and registry number of the ~~physician, dentist,~~
4 ~~or veterinarian by whom the prescription was written,~~ the practitioner who
5 wrote the prescription;

6 (D) the kind and form of the drug ~~contained therein~~ enclosed in the
7 container, unless the practitioner has specifically ordered in that prescription
8 that such information not be specified on the label;

9 (E) such directions as may be stated on the prescription;

10 (F) the date of the issuance of the prescription.

11 (2) No person shall alter, deface, or remove any label ~~so~~ affixed in
12 accordance with this subsection.

13 (3) This subsection shall not apply to regulated drugs sold or dispensed
14 for use exclusively within a hospital.

15 (c)(1) ~~Physicians, dentists, or veterinarians~~ A practitioner dispensing a
16 regulated ~~drugs~~ drug shall affix to the container a label showing:

17 (A) the dispensing practitioner's name, address, and registry
18 number;

19 (B) the name and address of the patient, or if the patient is an animal,
20 the name and address of the owner of the animal and the species of the animal;

1 (C) the kind and form of the drug ~~contained therein~~ enclosed in the
2 container, unless the dispensing practitioner considers that such information
3 should not be ~~so~~ specified for medical reasons;

4 (D) such directions as are necessary for use; and

5 (E) the date of the issuance of the prescription and the dispensing of
6 the drug.

7 (2) This subsection shall not apply to an amount of regulated drugs
8 equivalent to three days' dosage dispensed to a patient for ~~his or her~~ the
9 patient's immediate use without charge by a ~~physician~~ practitioner on a house
10 call.

11 Sec. 4. 18 V.S.A. § 4213 is amended to read:

12 § 4213. AUTHORIZED SALES OF REGULATED DRUGS

13 (a) A duly licensed manufacturer or wholesaler may sell and dispense
14 regulated drugs to any of the following persons, but only on official written
15 orders:

16 (1) To a manufacturer, wholesaler, or pharmacy.

17 (2) To a ~~physician, dentist, or veterinarian~~ practitioner, except that an
18 official written order shall not be required when regulated drugs:

19 (A) are provided in person by a representative of a duly licensed
20 manufacturer or wholesaler in quantities as samples for which there is no
21 charge, either direct or indirect, ~~and~~;

1 Sec. 5. 18 V.S.A. § 4214 is amended to read:

2 § 4214. AUTHORIZED PROFESSIONAL USE OF REGULATED DRUGS

3 (a) ~~A physician or dentist licensed under this chapter, in good faith and in~~
4 ~~the course of his or her professional practice only,~~ licensed practitioner other
5 than a veterinarian, working within the course and scope of the practitioner's
6 practice, may prescribe, administer, and dispense regulated drugs to patients
7 under the practitioner's care and ~~he or she~~ may cause ~~the same~~ regulated drugs
8 to be administered under the practitioner's direction or supervision, for medical
9 purposes only, by a nurse or other health care professional licensed under this
10 chapter or under Title 26, ~~or an intern, medical or dental assistant, or a~~
11 resident, or ~~in his or her absence~~ by a responsible member of the family of the
12 patient, ~~under his or her direction and supervision.~~

13 (b) A ~~duly~~ licensed veterinarian, ~~in good faith and in~~ working within the
14 course and scope of ~~his or her professional~~ the veterinarian's practice only and
15 ~~not for use by a human being,~~ may prescribe, administer, and dispense
16 regulated drugs to animals under the veterinarian's care and ~~he or she~~ may
17 cause ~~them~~ regulated drugs to be administered under the veterinarian's
18 direction and supervision, for medical purposes only, by an assistant or orderly
19 or by the owner of the animal, ~~under his or her direction and supervision.~~

20 (c) ~~Any person who has obtained from a physician, dentist, or veterinarian~~
21 ~~any regulated drug for administration to a patient during the absence of such~~

1 ~~physician, dentist, or veterinarian under this section shall return to such~~
2 ~~physician, dentist, or veterinarian any unused portion of such drug, or shall~~
3 ~~take such action as may be specified by regulation adopted by the Board of~~
4 ~~Health, when such drug is no longer required by the patient. [Repealed.]~~

5 Sec. 6. 18 V.S.A. § 4215 is amended to read:

6 § 4215. AUTHORIZED SALES BY PHARMACISTS

7 * * *

8 (b)(1) The pharmacist filling a schedule II prescription shall write the date
9 of filling and the pharmacist's own signature on the face of the prescription, or
10 if an electronic prescription, shall enter the date of filling and the pharmacist's
11 name into the electronic record.

12 * * *

13 (4) A ~~physician~~ practitioner who dispenses regulated drugs as part of ~~his~~
14 ~~or her~~ the practitioner's regular fee or for an additional fee shall be subject to
15 the same requirements as a pharmacist for the purposes of this section.

16 * * *

17 Sec. 7. 18 V.S.A. § 4215a is amended to read:

18 § 4215a. SALE OF SCHEDULE V DRUGS

19 (a) A duly licensed pharmacist may sell and dispense schedule V drugs
20 only upon a practitioner's signed and dated written prescription, or upon a
21 practitioner's oral prescription ~~which~~ that is promptly reduced to writing by a

1 pharmacist, ~~of a licensed physician, dentist, or veterinarian, dated and signed~~
2 ~~by the person prescribing or, if an oral prescription, and dated~~ by the
3 pharmacist ~~on~~ with the date ~~when~~ on which it was written.

4 * * *

5 Sec. 8. 18 V.S.A. § 4216 is amended to read:

6 § 4216. AUTHORIZED POSSESSION BY INDIVIDUALS

7 (a) A person to whom or for whose use any regulated drug has been
8 prescribed, sold, or dispensed, and the owner of any animal for which any such
9 drug has been prescribed, sold, or dispensed, may lawfully possess the same on
10 the condition that such drug was prescribed, sold, or dispensed by a ~~physician,~~
11 ~~dentist, pharmacist, or veterinarian~~ practitioner licensed to practice in this State
12 or by a health care professional duly licensed under the laws of another state or
13 country ~~wherein such~~ in which the person has ~~his or her~~ a practice, and on the
14 further condition that all amounts of the drug are retained in the lawful
15 container in which it was delivered to him or her by the person selling or
16 dispensing the same.

17 (b) Notwithstanding the requirement in subsection (a) of this section that a
18 regulated drug be retained in its original container, the individual to whom a
19 regulated drug was prescribed, dispensed, or sold by a ~~physician, dentist,~~
20 practitioner or pharmacist licensed in Vermont or by a pharmacist or other
21 health care professional duly licensed in another state or country may maintain

1 up to a 14-day supply of the regulated drug outside the original container for
2 ~~his or her~~ the individual's own personal use if the following conditions are
3 met:

4 * * *

5 Sec. 9. EFFECTIVE DATE

6 This act shall take effect on passage.