

1 H.286

2 Introduced by Representative Cordes of Lincoln

3 Referred to Committee on

4 Date:

5 Subject: Health; health care practitioners; regulated drugs

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

10 An act relating to the authorized professional use of regulated drugs

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

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

13 § 4201. DEFINITIONS

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

15 * * *

16 (24) “Practitioner” ~~includes a physician, dentist, veterinarian, surgeon,~~
17 ~~or any other person who may be lawfully entitled under this chapter to~~ means
18 any health care professional licensed in this State who, within the health care
19 professional’s scope of practice, may distribute, dispense, prescribe, or
20 administer regulated drugs to patients.

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

§ 4210. AUTHORIZED SALES ON WRITTEN ORDERS, RECORDS

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

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

2 § 4212. LABELS

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

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

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

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

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

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

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

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

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

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

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

15 (A) the dispensing practitioner's name, address, and registry
16 number;

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

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

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

2 (E) the date of the issuance of the prescription and the dispensing of
3 the drug.

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

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

9 § 4213. AUTHORIZED SALES OF REGULATED DRUGS

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

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

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

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

19 (B) do not exceed ten times the manufacturer's recommended
20 maximum individual dose; and

1 practice, may prescribe, administer, and dispense regulated drugs to patients
2 under the practitioner's care and he or she may cause the same regulated drugs
3 to be administered under the practitioner's direction or supervision, for medical
4 purposes only, by a nurse or other health care professional licensed under this
5 chapter or under Title 26, or an intern, medical or dental assistant, or a
6 resident, or in his or her absence by a responsible member of the family of the
7 patient, under his or her direction and supervision.

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

15 (c) ~~Any person who has obtained from a physician, dentist, or veterinarian~~
16 ~~any regulated drug for administration to a patient during the absence of such~~
17 ~~physician, dentist, or veterinarian under this section shall return to such~~
18 ~~physician, dentist, or veterinarian any unused portion of such drug, or shall~~
19 ~~take such action as may be specified by regulation adopted by the Board of~~
20 ~~Health, when such drug is no longer required by the patient. [Repealed.]~~

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

2 § 4215. AUTHORIZED SALES BY PHARMACISTS

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

8 * * *

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

12 * * *

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

14 § 4215a. SALE OF SCHEDULE V DRUGS

15 (a) A duly licensed pharmacist may sell and dispense schedule V drugs
16 only upon a practitioner's signed and dated written prescription or upon a
17 practitioner's oral prescription ~~which that~~ is promptly reduced to writing by a
18 pharmacist, ~~of a licensed physician, dentist, or veterinarian, dated and signed~~
19 ~~by the person prescribing or, if an oral prescription, and dated~~ by the
20 pharmacist ~~on~~ with the date ~~when~~ on which it was written.

21 * * *

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

2 § 4216. AUTHORIZED POSSESSION BY INDIVIDUALS

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

13 (b) Notwithstanding the requirement in subsection (a) of this section that a
14 regulated drug be retained in its original container, the individual to whom a
15 regulated drug was prescribed, dispensed, or sold by a ~~physician, dentist,~~
16 ~~practitioner~~ or pharmacist licensed in Vermont or by a pharmacist or other
17 health care professional duly licensed in another state or country may maintain
18 up to a 14-day supply of the regulated drug outside the original container for
19 ~~his or her~~ the individual's own personal use if the following conditions are
20 met:

21 * * *

1 Sec. 9. EFFECTIVE DATE

2 This act shall take effect on passage.