AN ACT

relating to the classification of and prescriptions issued for
certain controlled substances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 481.074, Health and Safety Code, is
amended by adding Subsection (d-1) and amending Subsection (k) to
read as follows:

(d-1) Notwithstanding Subsection (d), a prescribing
practitioner may issue multiple prescriptions authorizing the
patient to receive a total of up to a 90-day supply of a Schedule II
controlled substance if:

(1) each separate prescription is issued for a
legitimate medical purpose by a prescribing practitioner acting in
the usual course of professional practice;

(2) the prescribing practitioner provides written
instructions on each prescription to be filled at a later date
indicating the earliest date on which a pharmacy may fill each
prescription;

(3) the prescribing practitioner concludes that
providing the patient with multiple prescriptions in this manner
does not create an undue risk of diversion or abuse; and

(4) the issuance of multiple prescriptions complies
with other applicable state and federal laws.

(k) A prescription for a controlled substance must show:
S.B. No. 904

1 (1) the quantity of the substance prescribed:
2     (A) numerically, followed by the number written
3 as a word, if the prescription is written; or
4     (B) if the prescription is communicated orally or
5    telephonically, as transcribed by the receiving pharmacist;
6     (2) the date of issue;
7    (2-a) if the prescription is issued for a Schedule II
8 controlled substance to be filled at a later date under Subsection
9    (d-1), the earliest date on which a pharmacy may fill the
10 prescription;
11     (3) the name, address, and date of birth or age of the
12 patient or, if the controlled substance is prescribed for an
13 animal, the species of the animal and the name and address of its
14 owner;
15     (4) the name and strength of the controlled substance
16 prescribed;
17     (5) the directions for use of the controlled
18 substance;
19     (6) the intended use of the substance prescribed
20 unless the practitioner determines the furnishing of this
21 information is not in the best interest of the patient;
22     (7) the legibly printed or stamped name, address,
23 Federal Drug Enforcement Administration registration number, and
24 telephone number of the practitioner at the practitioner's usual
25 place of business;
26     (8) if the prescription is handwritten, the signature
27 of the prescribing practitioner; and

2
(9) if the prescribing practitioner is licensed in this state, the practitioner's department registration number.

SECTION 2. Subsection (e), Section 481.075, Health and Safety Code, is amended to read as follows:

(e) Each official prescription form used to prescribe a Schedule II controlled substance must contain:

(1) information provided by the prescribing practitioner, including:

(A) the date the prescription is written;
(B) the controlled substance prescribed;
(C) the quantity of controlled substance prescribed, shown numerically followed by the number written as a word;

(D) the intended use of the controlled substance or the diagnosis for which it is prescribed and the instructions for use of the substance;

(E) the practitioner's name, address, department registration number, and Federal Drug Enforcement Administration number; [and]

(F) the name, address, and date of birth or age of the person for whom the controlled substance is prescribed; and

(G) if the prescription is issued to be filled at a later date under Section 481.074(d-1), the earliest date on which a pharmacy may fill the prescription;

(2) information provided by the dispensing pharmacist, including the date the prescription is filled; and

(3) the signatures of the prescribing practitioner and
the dispensing pharmacist.

SECTION 3. Subsection (c), Section 481.0761, Health and Safety Code, is amended to read as follows:

(c) The director by rule may:

(1) permit more than one prescription to be administered or dispensed and recorded on one prescription form for a Schedule III through V controlled substance;

(1-a) establish a procedure for the issuance of multiple prescriptions of a Schedule II controlled substance under Section 481.074(d-1);

(2) remove from or return to the official prescription program any aspect of a practitioner's or pharmacist's hospital practice, including administering or dispensing;

(3) waive or delay any requirement relating to the time or manner of reporting;

(4) establish compatibility protocols for electronic data transfer hardware, software, or format;

(5) establish a procedure to control the release of information under Sections 481.074, 481.075, and 481.076; and

(6) establish a minimum level of prescription activity below which a reporting activity may be modified or deleted.

SECTION 4. Subchapter B, Chapter 481, Health and Safety Code, is amended by adding Section 481.037 to read as follows:

Sec. 481.037. CARISOPRODOL. Schedule IV includes carisoprodol.

SECTION 5. The change in law made by this Act applies only to the issuance of a prescription on or after the effective date of
this Act. The issuance of a prescription before the effective date
of this Act is covered by the law in effect when the prescription
was issued, and the former law is continued in effect for that
purpose.

SECTION 6. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2009.
S.B. No. 904

President of the Senate

I hereby certify that S.B. No. 904 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 904 passed the House, with amendment, on May 26, 2009, by the following vote: Yeas 146, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

19 Jun '09

Date

Rick Perry
Governor

Filed in the Office of the Secretary of State 2 P.M. 6/19/09

Colley Shetter, III