**South Carolina General Assembly**

123rd Session, 2019-2020

**A38, R51, S463**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Martin

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Introduced in the Senate on January 30, 2019

Introduced in the House on March 20, 2019

Passed by the General Assembly on May 8, 2019

Governor's Action: May 13, 2019, Signed

Summary: Pharmacists and prescriptions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/30/2019 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h:\sj\20190130.docx))

1/30/2019 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 5](file:///h:\sj\20190130.docx))

3/7/2019 Senate Committee report: Favorable **Medical Affairs** ([Senate Journal‑page 11](file:///h:\sj\20190307.docx))

3/14/2019 Senate Read second time ([Senate Journal‑page 24](file:///h:\sj\20190314.docx))

3/14/2019 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 24](file:///h:\sj\20190314.docx))

3/19/2019 Senate Read third time and sent to House ([Senate Journal‑page 12](file:///h:\sj\20190319.docx))

3/20/2019 House Introduced and read first time ([House Journal‑page 10](file:///h:\hj\20190320.docx))

3/20/2019 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 10](file:///h:\hj\20190320.docx))

5/1/2019 House Committee report: Favorable **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 31](file:///h:\hj\20190501.docx))

5/7/2019 House Read second time ([House Journal‑page 23](file:///h:\hj\20190507.docx))

5/7/2019 House Roll call Yeas‑106 Nays‑0 ([House Journal‑page 23](file:///h:\hj\20190507.docx))

5/8/2019 House Read third time and enrolled ([House Journal‑page 45](file:///h:\hj\20190508.docx))

5/9/2019 Ratified R 51

5/13/2019 Signed By Governor

5/17/2019 Effective date 05/13/19

5/21/2019 Act No.  38

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**VERSIONS OF THIS BILL**

[1/30/2019](file:///p:\pprever\2019-20\463_20190130.docx)

[3/7/2019](file:///p:\pprever\2019-20\463_20190307.docx)

[5/1/2019](file:///p:\pprever\2019-20\463_20190501.docx)

(A38, R51, S463)

**AN ACT** **TO AMEND SECTION 40‑43‑86, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FACILITY REQUIREMENTS FOR PHARMACIES, THE PRESENCE OF PHARMACISTS‑IN‑CHARGE, CONSULTANT PHARMACISTS, PRESCRIPTION DRUG ORDERS, THE TRANSFERRING OF PRESCRIPTIONS, THE SUBSTITUTION OF AN EQUIVALENT DRUG OR INTERCHANGEABLE BIOLOGICAL PRODUCT, LABEL REQUIREMENTS, PATIENT RECORDS AND COUNSELING, POLICIES AND REQUIREMENTS FOR AUTOMATED SYSTEMS, UNLAWFUL PRACTICES, SALES TO OPTOMETRISTS AND HOME MEDICAL EQUIPMENT PROVIDERS, THE CODE OF ETHICS, THE SALE OF POISONS AND RETURNED MEDICATIONS, PERMIT FEES, AND COMPOUNDING REGULATIONS AND RESTRICTIONS, SO AS TO PROVIDE PHARMACISTS MAY EXERCISE THEIR PROFESSIONAL JUDGMENT TO DISPENSE UP TO A NINETY‑DAY SUPPLY OF MEDICATION FOR EACH REFILL UP TO THE TOTAL NUMBER OF DOSAGE UNITS AS AUTHORIZED BY THE PRESCRIBER ON THE ORIGINAL PRESCRIPTION, TO PROVIDE CERTAIN RELATED REQUIREMENTS, AND TO PROVIDE EXCEPTIONS.**

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

**Authorized refills, exceptions, third party payor agreements**

SECTION 1. Section 40‑43‑86 of the 1976 Code, as last amended by Act 143 of 2018, is further amended by adding an appropriately lettered subsection at the end to read:

“( )(1) Unless a prescriber has specified on a prescription that dispensing the prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise his professional judgment, in consultation with the patient, to dispense up to a ninety‑day supply of medication per refill up to the total number of dosage units as authorized by the prescriber on the original prescription. In consulting with the patient, the pharmacist must utilize readily available, existing mechanisms such as online claim adjudication and inform the patient of any cost changes of the proposed dispensing change. If the pharmacist is presenting the patient with an option to not use an available benefit plan, then the pharmacist must inform the patient that any amounts paid would potentially not apply to the deductibles or other out‑of‑pocket calculations of his benefit plan.

(2) Item (1) does not apply to scheduled medications, psychotherapeutic drugs, or any medications for which a report is required under the prescription monitoring program.

(3) This section shall not be construed to supersede or invalidate any third party payor agreement, in whole or in part, between a third party payor and a retail pharmacy.”

**Time effective**

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

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

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