COMMITTEE REPORT

April 25, 2018

**S. 506**

Introduced by Senators Shealy and Rankin

S. Printed 4/25/18--H. [SEC 4/26/18 12:02 PM]

Read the first time March 20, 2018.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (S. 506) to amend Section 40-43-170(A) of the 1976 Code, relating to a State of Emergency, prerequisites to emergency refills, and the dispensing of medications, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION\_\_. Section 40-43-86 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( )(1) Unless the prescriber has specified on the prescription that dispensing a 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, including any refills.

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

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on March 7, 2017**

**State Expenditure**

This bill allows a pharmacist not licensed in this state to issue a one-time emergency prescription refill of up to a thirty-day supply during a state of emergency while the pharmacist is working in an affected county. Currently, a pharmacist working in this capacity may issue up to a fifteen-day supply of a prescribed medication. The stipulations for the emergency prescription remain the same in that the prescription may not be for a controlled substance, must be essential to the maintenance of life or the continuation of therapy, and the pharmacist must have all prescription information necessary in order to accurately refill the prescription. The pharmacist must also reduce the information to a written prescription marked “Emergency Refill” and notify the prescribing physician within fifteen days of the emergency refill. This bill does not alter the responsibilities of the South Carolina Board of Pharmacy. Therefore, the bill has no impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 40-43-170(A) OF THE 1976 CODE, RELATING TO A STATE OF EMERGENCY, PREREQUISITES TO EMERGENCY REFILLS, AND THE DISPENSING OF MEDICATIONS BY PHARMACISTS NOT LICENSED IN THIS STATE, TO ALLOW FOR A ONE-TIME, THIRTY-DAY EMERGENCY REFILL DURING A STATE OF EMERGENCY.

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

SECTION 1. Section 40-43-170(A) of the 1976 Code is amended to read:

“Section 40-43-170. (A) When the Governor issues a ‘State of Emergency’:

(1) A pharmacist may work in the affected county and may dispense a one‑time emergency refill of up to a ~~fifteen-day~~ thirty‑day supply of a prescribed medication if:

(a) the pharmacist has all prescription information necessary in order to accurately refill the prescription; and

(b) in the pharmacist’s professional opinion the medication is essential to the maintenance of life or to the continuation of therapy; and

(c) the pharmacist reduces the information to a written prescription marked ‘Emergency Refill’, files the prescription as required by law, and notifies the prescribing physician within fifteen days of the emergency refill; and

(d) the prescription is not for a controlled substance.”

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

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