

New Law Regarding Tamper-Resistant Prescription Paper for Controlled Substances - Effective July 16, 2018

H.3826 requires written prescriptions for controlled substances to be written on tamper-resistant prescription pads, with exceptions. Prescription orders transmitted by facsimile, orally, or electronically are exempt from the tamper-resistant prescription pad requirements. **This act is effective July 16, 2018.**

SECTION 1. Section 44-53-360 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

"() (1) A written prescription for any Schedule II, III, IV, and V controlled substance must be written on tamper-resistant prescription pads which contain one or more industry-recognized features designed to prevent all of the following:

- (A) unauthorized copying of a completed or blank prescription form;
- (B) erasure or modification of information written on the prescription by the prescriber; and
- (C) use of counterfeit prescription forms.

(2) Prescription orders transmitted by facsimile, orally, or electronically are exempt from the tamper-resistant prescription pad requirements of this section.

(3) The tamper-resistant prescription pad requirements do not apply to refill prescriptions of an original written prescription that was presented to a pharmacy before the effective date of this act.

(4) The exceptions set forth in Section 1927(k)(3) of the Social Security Act, 42 U.S.C. Section 1396r-8(k)(3), concerning nursing facilities, hospitals, and other institutional and clinical settings, are exempt from the tamper-resistant prescription pad requirements of this section.

(5) If a written prescription is not submitted on a tamper-resistant prescription form meeting the requirements of this section, a pharmacy may fill the prescription in full as written on an emergency basis as long as the pharmacy receives a verbal, facsimile, electronic, or compliant written prescription from the prescriber within seventy-two hours after the date on which the prescription was filled.