

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine**

SENATE BILL NO. 2176  
(Industry, Business and Labor Committee)  
(At the request of the Board of Pharmacy)

AN ACT to amend and reenact subsection 20 of section 19-02.1-01, subsection 4 of section 19-03.1-11, subsections 3 and 4 of section 19-03.1-22, subsection 24 of section 43-15-01, sections 43-15-18, 43-15-31.3, and subsection 6 of section 43-15-35 of the North Dakota Century Code, relating to controlled substance regulation and the practice of pharmacy in North Dakota; and to repeal section 43-15-33 of the North Dakota Century Code, relating to sale of emergency medicines.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subsection 20 of section 19-02.1-01 of the North Dakota Century Code is amended and reenacted as follows:

20. ~~"Practitioner" means a physician, dentist, veterinarian, or other person licensed in this state to prescribe or administer drugs which are subject to this chapter.~~ "Practitioner" means an individual licensed, registered, or otherwise authorized by the jurisdiction in which the individual is practicing to prescribe drugs in the course of professional practice which are subject to this chapter.

**SECTION 2. AMENDMENT.** Subsection 4 of section 19-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:
- a. Alprazolam.
  - b. Barbital.
  - c. Bromazepam.
  - d. Butorphanol.
  - e. Camazepam.
  - e. f. Chloral betaine.
  - f. g. Chloral hydrate.
  - g. h. Chlordiazepoxide.
  - h. i. Clobazam.
  - i. j. Clonazepam.
  - j. k. Clorazepate.
  - k. l. Clotiazepam.

<del>l</del>	<u>m</u>	Cloxazolam.
<del>m</del>	<u>n</u>	Delorazepam.
<del>n</del>	<u>o</u>	Diazepam.
<del>o</del>	<u>p</u>	Estazolam.
<del>p</del>	<u>q</u>	Ethchlorvynol.
<del>q</del>	<u>r</u>	Ethinamate.
<del>r</del>	<u>s</u>	Ethyl loflazepate.
<del>s</del>	<u>t</u>	Fludiazepam.
<del>t</del>	<u>u</u>	Flurazepam.
<del>u</del>	<u>v</u>	Halazepam.
<del>v</del>	<u>w</u>	Haloxazolam.
<del>w</del>	<u>x</u>	Ketazolam.
<del>x</del>	<u>y</u>	Loprazolam.
<del>y</del>	<u>z</u>	Lorazepam.
<del>z</del>	<u>aa</u>	Lormetazepam.
<del>aa</del>	<u>bb</u>	Mebutamate.
<del>bb</del>	<u>cc</u>	Medazepam.
<del>cc</del>	<u>dd</u>	Meprobamate.
<del>dd</del>	<u>ee</u>	Methohexital.
<del>ee</del>	<u>ff</u>	Methylphenobarbital (also known as mephobarbital).
<del>ff</del>	<u>gg</u>	Midazolam.
<del>gg</del>	<u>hh</u>	Nimetazepam.
<del>hh</del>	<u>ii</u>	Nitrazepam.
<del>ii</del>	<u>jj</u>	Nordiazepam.
<del>jj</del>	<u>kk</u>	Oxazepam.
<del>kk</del>	<u>ll</u>	Oxazolam.
<del>ll</del>	<u>mm</u>	Paraldehyde.
<del>mm</del>	<u>nn</u>	Petrichloral.
<del>nn</del>	<u>oo</u>	Phenobarbital.
<del>oo</del>	<u>pp</u>	Pinazepam.
<del>pp</del>	<u>qq</u>	Prazepam.
<del>qq</del>	<u>rr</u>	Quazepam.
	<u>ss</u>	Sibutramine.

- ~~ff.~~ tt. Temazepam.
- ~~ss.~~ uu. Tetrazepam.
- ~~tt.~~ vv. Triazolam.
- ~~uu.~~ ww. Zolpidem.

**SECTION 3. AMENDMENT.** Subsections 3 and 4 of section 19-03.1-22 of the North Dakota Century Code are amended and reenacted as follows:

3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedule III or IV, which is a prescription drug as determined under this chapter or chapter 19-02.1, may not be dispensed without a written or oral prescription of a practitioner. The prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner. Any oral prescription for such drugs must be promptly reduced to writing by the pharmacist, intern, or technician on a new prescription blank and must be signed within ~~seventy-two hours~~ seven days by the practitioner who issued the same. When the patient is a hospice patient or resides in a licensed long-term care facility and the prescription has been signed by the practitioner before faxing, the facsimile may serve as the original prescription without another signature.
4. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in schedule V must be dispensed without the written or oral prescription of a practitioner. The prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times unless renewed by the practitioner. Any oral prescription for such compound, mixture, or preparation must be promptly reduced to writing by the pharmacist, intern, or technician on a new prescription blank and must be signed within ~~seventy-two hours~~ seven days by the practitioner who issued ~~same~~ the prescription. When the patient is a hospice patient or resides in a licensed long-term care facility and the prescription has been signed by the practitioner before faxing, the facsimile may serve as the original prescription without another signature.

**SECTION 4. AMENDMENT.** Subsection 24 of section 43-15-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24. "Practitioner" means ~~a physician, dentist, veterinarian, scientific investigator, or other person (other than pharmacists) licensed by North Dakota and permitted by such license to dispense, conduct research with respect to or administer an individual licensed, registered or otherwise authorized by the jurisdiction in which the individual is practicing to prescribe drugs in the course of professional practice or research in North Dakota.~~

**SECTION 5. AMENDMENT.** Section 43-15-18 of the North Dakota Century Code is amended and reenacted as follows:

**43-15-18. License of pharmacy intern.** To register in this state a pharmacy intern must have completed one year ~~in an approved~~ of college of pharmacy, be registered in a prepharmacy program, and must be employed by a licensed pharmacist. At the date of entering into ~~his~~ an intern internship, ~~he~~ an intern shall file with the ~~secretary~~ executive director of the board the following certificates accompanied by a fee ~~of five dollars set by the board:~~

1. ~~A certificate~~ An application stating ~~he~~ the applicant has entered into an internship ~~and giving his age,~~ the intern's name, residence, and educational qualifications.
2. ~~A certificate~~ statement from ~~his~~ the intern's employer stating that the applicant ~~has been~~ will be employed by ~~him~~ the pharmacist, as a pharmacy intern, that to ~~his~~ the employer's knowledge the applicant possesses the required education and qualifications.

The ~~secretary~~ executive director of the board shall file the ~~certificates~~ application and license the applicant as a pharmacy intern.

**SECTION 6. AMENDMENT.** Section 43-15-31.3 of the North Dakota Century Code is amended and reenacted as follows:

**43-15-31.3. Oral transmission of prescriptions.** An oral transmission of a prescription drug may be accepted and dispensed by a pharmacist or licensed pharmacist intern if received from a practitioner, or a nurse licensed under chapter 43-12.1 who is authorized by the practitioner to orally transmit the prescription. The practitioner shall document the order for oral transmission in the patient's records. Only a licensed pharmacist or a licensed pharmacist intern or a registered pharmacy technician may receive an orally transmitted new or refill prescription.

**SECTION 7. AMENDMENT.** Subsection 6 of section 43-15-35 of the North Dakota Century Code is amended and reenacted as follows:

6. ~~The pharmacy has within the pharmacy at all times the latest revision of the United States Pharmacopeia/National Formulary and supplements thereto, or the United States Pharmacopeia Dispensing Information, volumes I and II (USPDI). Suitable reference sources either in book or electronic data form, available in the pharmacy or on-line, which might include the United States pharmacopeia and national formulary, the United States pharmacopeia dispensing information, facts and comparisons, micro medex, the ASHP formulary or other suitable references pertinent to the practice carried on in the licensed pharmacy.~~

**SECTION 8. REPEAL.** Section 43-15-33 of the North Dakota Century Code is repealed.

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President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2176.

Senate Vote:    Yeas    49        Nays    0        Absent    0

House Vote:    Yeas    96        Nays    0        Absent    2

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1999,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State