Fifty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1096

Introduced by

Industry, Business and Labor Committee

(At the request of the State Board of Pharmacy)

A BILL for an Act to amend and reenact subdivision e of subsection 1 of section 19-02.1-14.1, subsection 4 of section 19-02.1-15, subdivision a of subsection 23 of section 19-03.1-01, subsection 6 of section 19-03.1-05, subsection 4 of section 19-03.1-09, subsections 4 and 6 of section 19-03.1-11, subsection 1 of section 19-03.1-22, and subsection 26 of section 43-15-01 of the North Dakota Century Code, relating to the practice of pharmacy.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision e of subsection 1 of section 19-02.1-14.1 of the North Dakota Century Code is amended and reenacted as follows:

e. "Prescription drug" means ~~any~~ a drug defined by section 503(b) of the federal act, and under which definition its label is required to bear the statement "Caution: Federal law prohibits dispensing without prescription~~.~~" or "Rx Only".

SECTION 2. AMENDMENT. Subsection 4 of section 19-02.1-15 of the North Dakota Century Code is amended and reenacted as follows:

4. A drug which is subject to subsection 1 must be deemed to be misbranded if at any time prior to dispensing its label fails to bear the statement "Caution: Federal Law Prohibits Dispensing Without Prescription", "Rx Only", or "Caution: State Law Prohibits Dispensing Without Prescription". A drug to which subsection 1 does not apply must be deemed to be misbranded if at any time prior to dispensing its label bears the caution statement quoted in the preceding sentence.

SECTION 3. AMENDMENT. Subdivision a of subsection 23 of section 19-03.1-01 of the North Dakota Century Code is amended and reenacted as follows:

a. A physician, dentist, veterinarian, pharmacist, scientific investigator, or other person licensed, registered, or otherwise permitted by the jurisdiction in which the individual is practicing to distribute, dispense, conduct research with

respect to or to administer a controlled substance in the course of professional practice or research ~~in this state~~.

SECTION 4. AMENDMENT. Subsection 6 of section 19-03.1-05 of the North Dakota Century Code is amended and reenacted as follows:

6. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
   a. Flunitrazepam.
   b. Gamma-hydroxybutyric acid.
   c. Mecloqualone.
   ~~c.~~ d. Methaqualone.

SECTION 5. AMENDMENT. Subsection 4 of section 19-03.1-09 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 that contains any quantity of the following substances having a depressant effect on the central nervous system:
   a. Any compound, mixture, or preparation containing:
      (1) Amobarbital;
      (2) Secobarbital;
      (3) Pentobarbital;

      or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
   b. Any suppository dosage form containing:
      (1) Amobarbital;
      (2) Secobarbital;
      (3) Pentobarbital;

      or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository.

c. Any substance that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules thereof.

d. Chlorhexadol.

e. Dronabinol (synthetic) [(-)-delta-9-(trans)-tetrahydrocanabinol] in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration-approved drug product.

f. Gamma-hydroxybutyric acid in a United States food and drug administration-approved drug product.

g. Glutethimide.

h. Ketamine.

~~f.~~ i. Lysergic acid.

~~g.~~ j. Lysergic acid amide.

~~h.~~ k. Methyprylon.

~~i.~~ l. Sulfondiethylmethane.

~~j.~~ m. Sulfonethylmethane.

~~k.~~ n. Sulfonmethane.

~~l.~~ o. Tiletamine and zolazepam or any salt thereof. Some trade or other names for a tiletamine-zolazepam combination product: Telazol. Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-2(2-fluorophenyl)-6,8-dihydro-1,3, 8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrazapon.

SECTION 6. AMENDMENT. Subsections 4 and 6 of section 19-03.1-11 of the 1999 Supplement to the North Dakota Century Code are 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.
f. Chloral betaine.
g. Chloral hydrate.
h. Chlordiazepoxide.
i. Clobazam.
j. Clonazepam.
k. Clorazepate.
l. Clotiazepam.
m. Cloxazolam.
n. Delorazepam.
o. Diazepam.
p. Estazolam.
q. Ethchlorvynol.
r. Ethinamate.
s. Ethyl loflazepate.
t. Fludiazepam.
u. Flurazepam.
v. Halazepam.
w. Haloxazolam.
x. Ketazolam.
y. Loprazolam.
z. Lorazepam.
aa. Lormetazepam.
bb. Mebutamate.
cc. Medazepam.
dd. Meprobamate.
ee. Methohexital.
ff. Methylphenobarbital (also known as mephobarbital).
gg. Midazolam.

hh. Nimetazepam.

ii. Nitrazepam.

jj. Nordiazepam.

kk. Oxazepam.

ll. Oxazolam.

mm. Paraldehyde.

nn. Petrichloral.

oo. Phenobarbital.

pp. Pinazepam.

qq. Prazepam.

rr. Quazepam.

ss. Sibutramine.

tt. Temazepam.

uu. Tetrazepam.

vv. Triazolam.

ww. Zaleplon.

xx. Zolpidem.

6. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

a. Cathine.

b. Diethylpropion.

c. Fencamfamin.

d. Fenproporex.

e. Mazindol.

f. Mefenorex.

g. Modafinil.

h. Pemoline (including organometallic complexes and chelates thereof).

~~h.~~ i. Phentermine.

~~i.~~ j. Pipradrol.

~~j.~~ k. SPA ((-)-1-dimethylamino-1, 2-diphenylethane).

SECTION 7. AMENDMENT. Subsection 1 of section 19-03.1-22 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in schedule II may be dispensed without the written prescription of a practitioner. 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 8. AMENDMENT. Subsection 26 of section 43-15-01 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

26. "Prescription drug or legend drug" means a drug which, under federal law is required, prior to being dispensed or delivered, to be labeled with ~~either~~ one of the following:

    a. "Caution: Federal law prohibits dispensing without prescription"; ~~or~~

    b. "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or

    c. "Rx only";

    or a drug which is required by any applicable federal or North Dakota law or ~~regulation~~ rule to be dispensed on prescription only or is restricted to use by practitioners only.