

AMENDED IN SENATE APRIL 30, 2015

AMENDED IN SENATE APRIL 16, 2015

SENATE BILL

No. 482

Introduced by Senator Lara

February 26, 2015

An act to add Section 11165.4 to the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 482, as amended, Lara. Controlled substances: CURES database.

Existing law classifies certain controlled substances into designated schedules. Existing law requires the Department of Justice to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by all practitioners authorized to prescribe or dispense these controlled substances. Existing law requires dispensing pharmacies and clinics to report specified information for each prescription of a Schedule II, Schedule III, or Schedule IV controlled substance to the department.

This bill would require all prescribers, as defined, prescribing a Schedule II or Schedule III controlled substance, ~~and all dispensers, as defined, dispensing a Schedule II or Schedule III controlled substance,~~ to consult a patient's electronic history in the CURES database before ~~prescribing or dispensing~~ the controlled substance to the patient for the first time. The bill would also require the prescriber to consult the CURES database at least annually when the prescribed controlled substance remains part of the patient's treatment. The bill would prohibit prescribing an additional Schedule II or Schedule III controlled

substance to a patient with an existing prescription until the prescriber determines that there is a legitimate need for the controlled substance.

The bill would make the failure to consult a patient's electronic history in the CURES database a cause for disciplinary action by the prescriber's ~~or dispenser's~~ licensing board and would require the ~~respective licensing boards~~ *licensing boards* to notify all ~~licensees~~ *prescribers* authorized to prescribe ~~or dispense~~ controlled substances of these requirements. The bill would provide that a prescriber ~~or dispenser~~ is not in violation of these requirements during any time that the CURES database is suspended or not accessible, or during any time that the Internet is not operational. The bill would make its provisions operative upon the Department of Justice's certification that the CURES database is ready for statewide use.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11165.4 is added to the Health and Safety
2 Code, to read:

3 11165.4. (a) A prescriber shall access and consult the CURES
4 database for the electronic history of controlled substances
5 dispensed to a patient under his or her care before prescribing a
6 Schedule II or Schedule III controlled substance for the first time
7 to that patient and at least annually when that prescribed controlled
8 substance remains part of his or her treatment. If the patient has
9 an existing prescription for a Schedule II or Schedule III controlled
10 substance, the prescriber shall not prescribe an additional controlled
11 substance until the prescriber determines that there is a legitimate
12 need for that controlled substance.

13 ~~(b) A dispenser shall access and consult the CURES database~~
14 ~~for the electronic history of controlled substances dispensed to a~~
15 ~~patient under his or her care before dispensing a Schedule II or~~
16 ~~Schedule III controlled substance for the first time to that patient.~~
17 ~~If the patient has an existing prescription for a Schedule II or~~
18 ~~Schedule III controlled substance, the dispenser shall not dispense~~
19 ~~an additional controlled substance until the dispenser checks the~~
20 ~~CURES database.~~

21 (e)

1 (b) Failure to consult a patient’s electronic history as required
2 by subdivision (a) ~~or (b)~~ is cause for disciplinary action by the
3 ~~respective licensing board of the prescriber or dispenser~~
4 *prescriber’s licensing board*. The licensing boards of all prescribers
5 ~~and dispensers~~ authorized to write or issue prescriptions for
6 controlled substances shall notify these licensees of the
7 requirements of this section.

8 ~~(d)~~

9 (c) Notwithstanding any other law, a prescriber ~~or dispenser~~ is
10 not in violation of this section during any period of time in which
11 the CURES database is suspended or not accessible or any period
12 of time in which the Internet is not operational.

13 ~~(e)~~

14 (d) This section shall not become operative until the Department
15 of Justice certifies that the CURES database is ready for statewide
16 use.

17 ~~(f)~~

18 (e) For purposes of this section, ~~the following terms shall have~~
19 ~~the following meanings:~~ “*prescriber*” means a health care
20 practitioner who is authorized to write or issue prescriptions under
21 Section 11150, excluding veterinarians.

22 (1) “Dispenser” means a person who is authorized to dispense
23 a controlled substance under Section 11011.

24 (2) “Prescriber” means ~~a health care practitioner who is~~
25 ~~authorized to write or issue prescriptions under Section 11150,~~
26 ~~excluding veterinarians.~~

27 ~~(g)~~

28 (f) A violation of this section shall not be subject to the
29 provisions of Section 11374.