

AMENDED IN ASSEMBLY MAY 3, 2000

AMENDED IN ASSEMBLY APRIL 5, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2018**

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**Introduced by Assembly Members Thomson, Runner, and Migden**

**(Coauthors: Assembly Members Aanestad, Aroner, Bates, Cardenas, Cox, Honda, and Strom-Martin)**

(Coauthor: Senator Bowen)

February 18, 2000

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An act to amend *Section 11165 of*, to amend and repeal *Sections 11159.2, 11161, 11162, 11162.5, 11163, 11168, and 11169 of*, and to amend, repeal, and add Sections 11158, 11164, ~~11165, 11167, and 11167.5 of~~, and to repeal Sections ~~11159.2, 11161, 11162, 11162.5, 11163, 11168, and 11169~~ *11167, and 11167.5 of*, the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 2018, as amended, Thomson. Controlled substances: Schedule II: triplicate prescription.

(1) Existing law provides that no person shall prescribe a controlled substance, nor shall any person fill, compound, or dispense such a prescription unless it complies with specified requirements, one of which is that prescriptions for Schedule II controlled substances shall be prepared in triplicate. The Department of Justice is required to issue these triplicate prescriptions to any practitioner authorized to write a

prescription for Schedule II controlled substances. Existing law also imposes specified printing and distribution requirements on prescription blanks, provides that it is a crime to counterfeit or knowingly possess official prescription blanks, limits the number of prescription blank groups issued to an individual prescriber by the Department of Justice, requires the retention of a prescriber’s prescription book for 3 years, and provides that, subject to a specified alternate procedure and related requirements, a prescription for a Schedule II drug for use by a terminally ill patient is exempt from specified reporting requirements.

This bill would, *as of January 1, 2003*, eliminate the triplicate prescription requirement for Schedule II controlled substances. ~~The bill would~~, make conforming changes to related provisions, and ~~would as of that date~~ repeal specified printing and distribution requirements applicable to prescription blanks for Schedule II and other drugs, provisions making it a crime to counterfeit or knowingly possess prescription blanks, the 3-year recordkeeping requirement *described above*, and the alternate Schedule II prescribing procedure applicable to terminally ill patients.

(2) Existing law provides for the electronic monitoring of the prescribing and dispensing of Schedule II controlled substances pursuant to the Controlled Substance Utilization Review and Evaluation System (CURES) program, as specified. The program is scheduled to become inoperative on July 1, 2003.

This bill would continue the program indefinitely by repealing its repeal date.

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 11158 of the Health and Safety~~
- 2 ~~Code is amended to read:~~
- 3 *SECTION 1. Section 11158 of the Health and Safety*
- 4 *Code is amended to read:*
- 5 11158. (a) Except as provided in Section 11159 or in
- 6 subdivision (b) of this section, no controlled substance



1 classified in Schedule II shall be dispensed without a  
2 prescription meeting the requirements of this chapter.  
3 Except as provided in Section 11159 or when dispensed  
4 directly to an ultimate user by a practitioner, other than  
5 a pharmacist or pharmacy, no controlled substance  
6 classified in Schedule III, IV, or V may be dispensed  
7 without a prescription meeting the requirements of this  
8 chapter.

9 (b) A practitioner specified in Section 11150 may  
10 dispense directly to an ultimate user a controlled  
11 substance classified in Schedule II in an amount not to  
12 exceed a 72-hour supply for the patient in accordance  
13 with directions for use given by the dispensing  
14 practitioner only where the patient is not expected to  
15 require any additional amount of the controlled  
16 substance beyond the 72 hours. Practitioners dispensing  
17 drugs pursuant to this subdivision shall meet the  
18 requirements of subdivision (f) of Section 11164.

19 (c) Except as otherwise prohibited or limited by law,  
20 a practitioner specified in Section 11150, may administer  
21 controlled substances in the regular practice of his or her  
22 profession.

23 (d) *This section shall remain in effect only until*  
24 *January 1, 2003, and as of that date is repealed, unless a*  
25 *later enacted statute, that is enacted before January 1,*  
26 *2003, deletes or extends that date.*

27 *SEC. 2. Section 11158 is added to the Health and*  
28 *Safety Code, to read:*

29 11158. (a) Except as provided in Section 11159 or in  
30 subdivision (b) of this section, no controlled substance  
31 classified in Schedule II shall be dispensed without a  
32 prescription meeting the requirements of this chapter.  
33 Except as provided in Section 11159 or when dispensed  
34 directly to an ultimate user by a practitioner, other than  
35 a pharmacist or pharmacy, no controlled substance  
36 classified in Schedule III, IV, or V may be dispensed  
37 without a prescription meeting the requirements of this  
38 chapter.

39 (b) A practitioner specified in Section 11150 may  
40 dispense directly to an ultimate user a controlled



1 substance classified in Schedule II in an amount not to  
2 exceed a 72-hour supply for the patient in accordance  
3 with directions for use given by the dispensing  
4 practitioner only where the patient is not expected to  
5 require any additional amount of the controlled  
6 substance beyond the 72 hours.

7 (c) Except as otherwise prohibited or limited by law,  
8 a practitioner specified in Section 11150, may administer  
9 controlled substances in the regular practice of his or her  
10 profession.

11 (d) *This section shall become operative on January 1,*  
12 *2003.*

13 ~~SEC. 2. Section 11159.2 of the Health and Safety Code~~  
14 ~~is repealed.~~

15 ~~SEC. 3. Section 11161 of the Health and Safety Code~~  
16 ~~is repealed.~~

17 ~~SEC. 4. Section 11162 of the Health and Safety Code~~  
18 ~~is repealed.~~

19 ~~SEC. 5. Section 11162.5 of the Health and Safety Code~~  
20 ~~is repealed.~~

21 ~~SEC. 6. Section 11163 of the Health and Safety Code~~  
22 ~~is repealed.~~

23 ~~SEC. 7. Section 11164 of the Health and Safety Code~~  
24 ~~is amended to read:~~

25 *SEC. 3. Section 11159.2 of the Health and Safety Code*  
26 *is amended to read:*

27 11159.2. (a) Notwithstanding any other provision of  
28 law, a prescription for a Schedule II controlled substance  
29 for use by a patient who has a terminal illness shall not be  
30 subject to Section 11164.

31 (b) (1) The prescription shall be signed and dated by  
32 the prescriber and shall contain the name of the person  
33 for whom the controlled substance is prescribed, the  
34 name and quantity of the controlled substance  
35 prescribed, and directions for use. The signature, date,  
36 and information required by this paragraph shall be  
37 wholly written in ink or indelible pencil in the  
38 handwriting of the prescriber.

39 (2) The prescription shall also contain the address of  
40 the person for whom the controlled substance is



1 prescribed, as provided in paragraph (3) of subdivision  
2 (b) of Section 11164, and shall contain the name, address,  
3 telephone number, category of professional licensure,  
4 and federal controlled substance registration number of  
5 the prescriber, as provided in paragraph (2) of  
6 subdivision (b) of Section 11164.

7 (3) The prescription shall also indicate that the  
8 prescriber has certified that the patient is terminally ill by  
9 the words “11159.2 exemption.”

10 (c) A pharmacist may fill a prescription pursuant to  
11 this section when there is a technical error in the  
12 certification required by paragraph (3) of subdivision  
13 (b), provided that he or she has personal knowledge of  
14 the patient’s terminal illness, and subsequently returns  
15 the prescription to the prescriber for correction within 72  
16 hours.

17 (d) For purposes of this section, “terminally ill” means  
18 a patient who meets all of the following conditions:

19 (1) In the reasonable medical judgment of the  
20 prescribing physician, the patient has been determined  
21 to be suffering from an illness that is incurable and  
22 irreversible.

23 (2) In the reasonable medical judgment of the  
24 prescribing physician, the patient’s illness will, if the  
25 illness takes its normal course, bring about the death of  
26 the patient within a period of one year.

27 (3) The patient’s treatment by the physician  
28 prescribing a Schedule II controlled substance pursuant  
29 to this section primarily is for the control of pain,  
30 symptom management, or both, rather than for cure of  
31 the illness.

32 (e) *This section shall remain in effect only until*  
33 *January 1, 2003, and as of that date is repealed, unless a*  
34 *later enacted statute, that is enacted before January 1,*  
35 *2003, deletes or extends that date.*

36 *SEC. 4. Section 11161 of the Health and Safety Code*  
37 *is amended to read:*

38 11161. (a) Prescription blanks shall be issued by the  
39 Department of Justice in serially numbered groups of not  
40 more than 100 forms each in triplicate, and shall be



1 furnished to any practitioner authorized to write a  
2 prescription for controlled substances classified in  
3 Schedule II. The Department of Justice may charge a fee  
4 for the prescription blanks sufficient to reimburse the  
5 department for the actual costs associated with the  
6 preparation, processing, and filing of any forms issued  
7 pursuant to this section. The prescription blanks shall not  
8 be transferable. The Department of Justice shall not,  
9 during any 30-day period, issue more than 100 triplicate  
10 prescription blanks to any authorized practitioner, until  
11 written justification has been received and approved by  
12 the Department of Justice. Any person possessing a  
13 triplicate prescription blank otherwise than as provided  
14 in this section is guilty of a misdemeanor.

15 (b) When a practitioner is named in a warrant of arrest  
16 or is charged in an accusatory pleading with a felony  
17 violation of Section 11153, 11154, 11156, 11157, 11170,  
18 11173, 11350, 11351, 11352, 11353, 11353.5, 11377, 11378,  
19 11378.5, 11379, 11379.5, or 11379.6, the court in which the  
20 accusatory pleading is filed or the magistrate who issued  
21 the warrant of arrest shall, upon the motion of a law  
22 enforcement agency which is supported by reasonable  
23 cause, issue an order which requires the practitioner to  
24 surrender to the clerk of the court all triplicate  
25 prescription blanks in the practitioner's possession at a  
26 time set in the order and shall direct the Department of  
27 Justice to withhold prescription blanks from the  
28 practitioner. The law enforcement agency obtaining the  
29 order shall notify the Department of Justice of this order.  
30 Except as provided in subdivisions (c) and (f) of this  
31 section, the order shall remain in effect until further  
32 order of the court. Any practitioner possessing  
33 prescription blanks in violation of the order is guilty of a  
34 misdemeanor.

35 (c) The order provided by subdivision (b) shall be  
36 vacated if the court or magistrate finds that the  
37 underlying violation or violations are not supported by  
38 reasonable cause at a hearing held within two court days  
39 after the practitioner files and personally serves upon the  
40 prosecuting attorney and the law enforcement agency



1 that obtained the order, a notice of motion to vacate the  
2 order with any affidavits on which the practitioner relies.  
3 At the hearing, the burden of proof, by a preponderance  
4 of the evidence, is on the prosecution. Evidence  
5 presented at the hearing shall be limited to the warrant  
6 of arrest with supporting affidavits, the motion to require  
7 the defendant to surrender all triplicate prescription  
8 blanks with supporting affidavits, the sworn complaint  
9 together with any documents or reports incorporated by  
10 reference thereto which, if based on information and  
11 belief, state the basis for the information, or any other  
12 documents of similar reliability as well as affidavits and  
13 counter affidavits submitted by the prosecution and  
14 defense. Granting of the motion to vacate the order is no  
15 bar to prosecution of the alleged violation or violations.

16 (d) The defendant may elect to challenge the order  
17 issued under subdivision (b) at the preliminary  
18 examination. At that hearing, the evidence shall be  
19 limited to that set forth in subdivision (c) and any other  
20 evidence otherwise admissible at the preliminary  
21 examination.

22 (e) If the practitioner has not moved to vacate the  
23 order issued under subdivision (b) by the time of the  
24 preliminary examination and he or she is held to answer  
25 on the underlying violation or violations, the practitioner  
26 shall be precluded from afterwards moving to vacate the  
27 order. If the defendant is not held to answer on the  
28 underlying charge or charges at the conclusion of the  
29 preliminary examination, the order issued under  
30 subdivision (b) shall be vacated.

31 (f) Notwithstanding subdivision (e), any practitioner  
32 who is diverted pursuant to Chapter 2.5 (commencing  
33 with Section 1000) of Title 7 of Part 2 of the Penal Code  
34 may file a motion to vacate the order issued under  
35 subdivision (b).

36 (g) *This section shall remain in effect only until*  
37 *January 1, 2003, and as of that date is repealed, unless a*  
38 *later enacted statute, that is enacted before January 1,*  
39 *2003, deletes or extends that date.*



1 SEC. 5. Section 11162 of the Health and Safety Code  
2 is amended to read:

3 11162. (a) The prescription blanks shall be printed  
4 on distinctive paper, the serial number of the group being  
5 shown on each form, and each form being serially  
6 numbered. The prescription blanks shall bear the  
7 preprinted name, address, and category of professional  
8 licensure of the practitioner to whom they are issued, and  
9 the federal registry number for controlled substances.

10 (b) This section shall remain in effect only until  
11 January 1, 2003, and as of that date is repealed, unless a  
12 later enacted statute, that is enacted before January 1,  
13 2003, deletes or extends that date.

14 SEC. 6. Section 11162.5 of the Health and Safety Code  
15 is amended to read:

16 11162.5. (a) Every person who counterfeits a  
17 prescription blank purporting to be an official  
18 prescription blank prepared and issued pursuant to  
19 Section 11161, or knowingly possesses more than three  
20 such counterfeited prescription blanks, shall be punished  
21 by imprisonment in the state prison or by imprisonment  
22 in the county jail for not more than one year.

23 (b) Every person who knowingly possesses three or  
24 fewer counterfeited prescription blanks purporting to be  
25 official prescription blanks prepared and issued pursuant  
26 to Section 11161, shall be guilty of a misdemeanor  
27 punishable by imprisonment in the county jail not  
28 exceeding six months, or by a fine not exceeding one  
29 thousand dollars (\$1,000), or by both.

30 (c) This section shall remain in effect only until  
31 January 1, 2003, and as of that date is repealed, unless a  
32 later enacted statute, that is enacted before January 1,  
33 2003, deletes or extends that date.

34 SEC. 7. Section 11163 of the Health and Safety Code  
35 is amended to read:

36 11163. (a) Not more than one such prescription  
37 group shall in any case be issued or furnished by the  
38 Department of Justice to the same prescriber at one time.

39 (b) This section shall remain in effect only until  
40 January 1, 2003, and as of that date is repealed, unless a



1 *later enacted statute, that is enacted before January 1,*  
2 *2003, deletes or extends that date.*

3 *SEC. 8. Section 11164 of the Health and Safety Code*  
4 *is amended to read:*

5 11164. Except as provided in Section 11167, no person  
6 shall prescribe a controlled substance, nor shall any  
7 person fill, compound, or dispense such a prescription  
8 unless it complies with the requirements of this section.

9 (a) Each prescription for a controlled substance  
10 classified in Schedule II shall be wholly written in ink or  
11 indelible pencil in the handwriting of the prescriber upon  
12 the official prescription form issued by the Department  
13 of Justice. Each prescription shall be prepared in  
14 triplicate, signed, and dated by the prescriber, and shall  
15 contain the name and address of the person for whom the  
16 controlled substance is prescribed, the name, quantity,  
17 and strength of the controlled substance prescribed,  
18 directions for use, and the address, category of  
19 professional licensure, and the federal controlled  
20 substance registration number of the prescriber. The  
21 original and duplicate of the prescription shall be  
22 delivered to the pharmacist filling the prescription. The  
23 duplicate shall be retained by the pharmacist and the  
24 original, properly endorsed by the pharmacist with the  
25 name and address of the pharmacy, the pharmacy's state  
26 license number, the date the prescription was filled and  
27 the signature of the pharmacist, shall be transmitted to  
28 the Department of Justice at the end of the month in  
29 which the prescription was filled. Upon receipt of an  
30 incompletely prepared official prescription form of the  
31 Department of Justice, the pharmacist may enter on the  
32 face of the prescription the address of the patient.

33 (b) Each prescription for a controlled substance  
34 classified in Schedule III, IV, or V, except as authorized  
35 by subdivision (c), shall be subject to the following  
36 requirements:

37 (1) The prescription shall be signed and dated by the  
38 prescriber and shall contain the name of the person for  
39 whom the controlled substance is prescribed, the name  
40 and quantity of the controlled substance prescribed, and



1 directions for use. With respect to prescriptions for  
2 controlled substances classified in Schedules III and IV,  
3 the signature, date, and information required by this  
4 paragraph shall be wholly written in ink or indelible  
5 pencil in the handwriting of the prescriber.

6 (2) In addition, the prescription shall contain the  
7 name, address, telephone number, category of  
8 professional licensure, and federal controlled substance  
9 registration number of the prescriber. The information  
10 required by this paragraph shall be either preprinted  
11 upon the prescription blank, typewritten, rubber  
12 stamped, or printed by hand. Notwithstanding any  
13 provision in this section, the prescriber's address,  
14 telephone number, category of professional licensure, or  
15 federal controlled substances registration number need  
16 not appear on the prescription if that information is  
17 readily retrievable in the pharmacy.

18 (3) The prescription shall also contain the address of  
19 the person for whom the controlled substance is  
20 prescribed. If the prescriber does not specify this address  
21 on the prescription, the pharmacist filling the  
22 prescription or an employee acting under the direction  
23 of the pharmacist shall write or type the address on the  
24 prescription or maintain this information in a readily  
25 retrievable form in the pharmacy.

26 (c) Any controlled substance classified in Schedule III,  
27 IV, or V may be dispensed upon an oral or electronically  
28 transmitted prescription, which shall be reduced to  
29 writing by the pharmacist filling the prescription or by  
30 any other person expressly authorized by provisions of  
31 the Business and Professions Code. The date of issue of the  
32 prescription and all the information required for a  
33 written prescription by subdivision (b) shall be included  
34 in the written record of the prescription. The pharmacist  
35 need not reduce to writing the address, telephone  
36 number, license classification, or federal registry number  
37 of the prescriber or the address of the patient if that  
38 information is readily retrievable in the pharmacy.  
39 Pursuant to authorization of the prescriber, any  
40 employee of the prescriber on behalf of the prescriber



1 may orally or electronically transmit a prescription for a  
2 controlled substance classified in Schedule III, IV, or V, if  
3 in these cases the written record of the prescription  
4 required by this subdivision specifies the name of the  
5 employee of the prescriber transmitting the prescription.

6 (d) The use of commonly used abbreviations shall not  
7 invalidate an otherwise valid prescription.

8 (e) Notwithstanding any provision of subdivisions (b)  
9 and (c), prescriptions for a controlled substance classified  
10 in Schedule V may be for more than one person in the  
11 same family with the same medical need.

12 (f) In addition to the prescriber's record required by  
13 Section 11190, any practitioner dispensing a controlled  
14 substance classified in Schedule II in accordance with  
15 subdivision (b) of Section 11158 shall prepare a written  
16 record thereof on the official forms issued by the  
17 Department of Justice, pursuant to Section 11161, and  
18 shall transmit the original to the Department of Justice in  
19 accordance with any rules that the department may  
20 adopt for completion and transmittal of the forms.

21 (g) *This section shall remain in effect only until*  
22 *January 1, 2003, and as of that date is repealed, unless a*  
23 *later enacted statute, that is enacted before January 1,*  
24 *2003, deletes or extends that date.*

25 *SEC. 9. Section 11164 is added to the Health and*  
26 *Safety Code, to read:*

27 11164. Except as provided in Section 11167, no person  
28 shall prescribe a controlled substance, nor shall any  
29 person fill, compound, or dispense such a prescription  
30 unless it complies with the requirements of this section.

31 (a) Each prescription for a controlled substance  
32 classified in Schedule II, III, IV, or V, except as authorized  
33 by subdivision (b), shall be subject to the following  
34 requirements:

35 (1) The prescription shall be signed and dated by the  
36 prescriber and shall contain the name of the person for  
37 whom the controlled substance is prescribed, the name  
38 and quantity of the controlled substance prescribed, and  
39 directions for use. Prescriptions for controlled substances  
40 classified in Schedules II, III, and IV shall include the



1 signature, date, and information required by this  
2 paragraph, and shall be wholly written in ink or indelible  
3 pencil in the handwriting of the prescriber.

4 (2) In addition, the prescription shall contain the  
5 name, address, telephone number, category of  
6 professional licensure, and federal controlled substance  
7 registration number of the prescriber. The information  
8 required by this paragraph shall be either preprinted  
9 upon the prescription blank, typewritten, rubber  
10 stamped, or printed by hand. Notwithstanding any  
11 provision in this section, the prescriber's address,  
12 telephone number, category of professional licensure, or  
13 federal controlled substances registration number need  
14 not appear on the prescription if that information is  
15 readily retrievable in the pharmacy.

16 (3) The prescription shall also contain the address of  
17 the person for whom the controlled substance is  
18 prescribed. If the prescriber does not specify this address  
19 on the prescription, the pharmacist filling the  
20 prescription or an employee acting under the direction  
21 of the pharmacist shall write or type the address on the  
22 prescription or maintain this information in a readily  
23 retrievable form in the pharmacy.

24 (b) Any controlled substance classified in Schedule III,  
25 IV, or V may be dispensed upon an oral or electronically  
26 transmitted prescription, which shall be reduced to  
27 writing by the pharmacist filling the prescription or by  
28 any other person expressly authorized by provisions of  
29 the Business and Professions Code. The date of issue of the  
30 prescription and all the information required for a  
31 written prescription by subdivision (a) shall be included  
32 in the written record of the prescription. The pharmacist  
33 need not reduce to writing the address, telephone  
34 number, license classification, or federal registry number  
35 of the prescriber or the address of the patient if that  
36 information is readily retrievable in the pharmacy.  
37 Pursuant to authorization of the prescriber, any  
38 employee of the prescriber on behalf of the prescriber  
39 may orally or electronically transmit a prescription for a  
40 controlled substance classified in Schedule III, IV, or V, if



1 in these cases the written record of the prescription  
2 required by this subdivision specifies the name of the  
3 employee of the prescriber transmitting the prescription.

4 (c) The use of commonly used abbreviations shall not  
5 invalidate an otherwise valid prescription.

6 (d) Notwithstanding any provision of subdivisions (a)  
7 and (b), prescriptions for a controlled substance classified  
8 in Schedule V may be for more than one person in the  
9 same family with the same medical need.

10 (e) *This section shall become operative on January 1,*  
11 *2003.*

12 ~~SEC. 8.~~

13 *SEC. 10.* Section 11165 of the Health and Safety Code  
14 is amended to read:

15 11165. (a) To assist law enforcement and regulatory  
16 agencies in their efforts to control the diversion and  
17 resultant abuse of Schedule II controlled substances, and  
18 for statistical analysis, education, and research, the  
19 Department of Justice shall, contingent upon the  
20 availability of adequate funds, establish the Controlled  
21 Substance Utilization Review and Evaluation System  
22 (CURES) for the electronic monitoring of the  
23 prescribing and dispensing of Schedule II controlled  
24 substances by all practitioners authorized to prescribe or  
25 dispense these controlled substances.

26 (b) The CURES ~~Program~~ *program* shall operate under  
27 existing provisions of law to safeguard the privacy and  
28 confidentiality of patients. Data obtained from CURES  
29 shall only be provided to appropriate state, local, and  
30 federal persons or public agencies for disciplinary, civil,  
31 or criminal purposes and to other agencies or entities, as  
32 determined by the Department of Justice, for the  
33 purpose of educating practitioners and others in lieu of  
34 disciplinary, civil, or criminal actions. Data may be  
35 provided to public or private entities, as approved by the  
36 Department of Justice, for educational, peer review,  
37 statistical, or research purposes, provided that patient  
38 information, including any information that may identify  
39 the patient, is not compromised. Further, data disclosed  
40 to any individual or agency as described in this



1 subdivision, shall not be disclosed, sold, or transferred to  
2 any third party.

3 ~~SEC. 9. Section 11167 of the Health and Safety Code~~  
4 ~~is amended to read:~~

5 *SEC. 11. Section 11167 of the Health and Safety Code*  
6 *is amended to read:*

7 11167. Notwithstanding subdivision (a) of Section  
8 11164, in an emergency where failure to issue a  
9 prescription may result in loss of life or intense suffering,  
10 an order for a Schedule II controlled substance may be  
11 dispensed on an oral, written, or electronic data  
12 transmission order, subject to all of the following  
13 requirements:

14 (a) The order contains all information required by  
15 subdivision (a) of Section 11164.

16 (b) Any written order is signed and dated by the  
17 prescriber in indelible pencil or ink, and the pharmacy  
18 reduces any oral or electronic data transmission order to  
19 writing prior to actually dispensing the controlled  
20 substance.

21 (c) The prescriber provides a triplicate prescription,  
22 completed as provided by subdivision (a) of Section  
23 11164, by the seventh day following the transmission of  
24 the initial order; a postmark by the seventh day following  
25 transmission of the initial order shall constitute  
26 compliance.

27 (d) If the prescriber fails to comply with subdivision  
28 (c), the pharmacy shall so notify the Bureau of Narcotic  
29 Enforcement in writing within 144 hours of the  
30 prescriber's failure to do so and shall make and retain a  
31 written, readily retrievable record of the prescription,  
32 including the date and method of notification of the  
33 Bureau of Narcotic Enforcement.

34 (e) *This section shall remain in effect only until*  
35 *January 1, 2003, and as of that date is repealed, unless a*  
36 *later enacted statute, that is enacted before January 1,*  
37 *2003, deletes or extends that date.*

38 *SEC. 12. Section 11167 is added to the Health and*  
39 *Safety Code, to read:*



1 11167. Notwithstanding subdivision (a) of Section  
2 11164, in an emergency where failure to issue a  
3 prescription may result in loss of life or intense suffering,  
4 an order for a Schedule II controlled substance may be  
5 dispensed on an oral or electronic data transmission  
6 order, subject to all of the following requirements:

7 (a) The order contains all information required by  
8 subdivision (a) of Section 11164.

9 (b) The pharmacy reduces any oral or electronic data  
10 transmission order to writing prior to actually dispensing  
11 the controlled substance.

12 (c) The prescriber provides a written prescription,  
13 completed as provided by subdivision (a) of Section  
14 11164, by the seventh day following the transmission of  
15 the initial order; a postmark by the seventh day following  
16 transmission of the initial order shall constitute  
17 compliance.

18 (d) If the prescriber fails to comply with subdivision  
19 (c), the pharmacy shall so notify the Bureau of Narcotic  
20 Enforcement in writing within 144 hours of the  
21 prescriber's failure to do so and shall make and retain a  
22 written, readily retrievable record of the prescription,  
23 including the date and method of notification of the  
24 Bureau of Narcotic Enforcement.

25 (e) *This section shall become operative on January 1,*  
26 *2003.*

27 ~~SEC. 10. Section 11167.5 of the Health and Safety~~  
28 ~~Code is amended to read:~~

29 *SEC. 13. Section 11167.5 of the Health and Safety*  
30 *Code is amended to read:*

31 11167.5. (a) An order for a controlled substance  
32 classified in Schedule II in a licensed skilled nursing  
33 facility, an intermediate care facility, or a licensed home  
34 health agency providing hospice care may be dispensed  
35 upon an oral or electronically transmitted prescription.  
36 Prior to filling the prescription, the pharmacist shall  
37 reduce it to writing in ink or indelible pencil in the  
38 handwriting of the pharmacist upon an official  
39 prescription form issued by the Department of Justice for  
40 that purpose. The prescriptions shall be prepared in



1 triplicate and shall contain the date the prescription was  
2 orally or electronically transmitted by the prescriber, the  
3 name of the person for whom the prescription was  
4 authorized, the name and address of the licensed facility  
5 or home health agency providing hospice care in which  
6 that person is a patient, the name and quantity of the  
7 controlled substance prescribed, the directions for use,  
8 and the name, address, category of professional licensure,  
9 and federal controlled substance registration number of  
10 the prescriber. The duplicate shall be retained by the  
11 pharmacist, and the triplicate shall be forwarded to the  
12 prescriber by the end of the month in which the  
13 prescription was issued. The original shall be properly  
14 endorsed by the pharmacist with the pharmacy's state  
15 license number, the signature of the pharmacist, the  
16 name and address of the pharmacy, and the signature of  
17 the person who received the controlled substances for the  
18 licensed facility or home health agency providing hospice  
19 care and shall be forwarded by the pharmacist to the  
20 Department of Justice at the end of the month in which  
21 the prescription was filled. A skilled nursing facility,  
22 intermediate care facility, or licensed home health  
23 agency providing hospice care shall forward to the  
24 dispensing pharmacist a copy of any signed telephone  
25 orders, chart orders, or related documentation  
26 substantiating each oral or electronically transmitted  
27 prescription transaction under this section.

28 (b) For the purposes of this section, "hospice care"  
29 means interdisciplinary health care which is designed to  
30 alleviate the physical, emotional, social, and spiritual  
31 discomforts of an individual who is experiencing the last  
32 phases of a terminal disease and to provide supportive  
33 care for the primary care person and the family of the  
34 patient under hospice care.

35 (c) *This section shall remain in effect only until*  
36 *January 1, 2003, and as of that date is repealed, unless a*  
37 *later enacted statute, that is enacted before January 1,*  
38 *2003, deletes or extends that date.*

39 *SEC. 14. Section 11167.5 is added to the Health and*  
40 *Safety Code, to read:*



1 11167.5. (a) An order for a controlled substance  
2 classified in Schedule II in a licensed skilled nursing  
3 facility, an intermediate care facility, or a licensed home  
4 health agency providing hospice care may be dispensed  
5 upon an oral or electronically transmitted prescription.  
6 Prior to filling the prescription, the pharmacist shall  
7 reduce it to writing in ink or indelible pencil in the  
8 handwriting of the pharmacist. The prescriptions shall  
9 contain the date the prescription was orally or  
10 electronically transmitted by the prescriber, the name of  
11 the person for whom the prescription was authorized, the  
12 name and address of the licensed facility or home health  
13 agency providing hospice care in which that person is a  
14 patient, the name and quantity of the controlled  
15 substance prescribed, the directions for use, and the  
16 name, address, category of professional licensure, and  
17 federal controlled substance registration number of the  
18 prescriber. The prescription shall be retained by the  
19 pharmacist, and shall be properly endorsed by the  
20 pharmacist with the pharmacy's state license number,  
21 the signature of the pharmacist, the name and address of  
22 the pharmacy, and the signature of the person who  
23 received the controlled substances for the licensed  
24 facility or home health agency providing hospice care. A  
25 skilled nursing facility, intermediate care facility, or  
26 licensed home health agency providing hospice care shall  
27 forward to the dispensing pharmacist a copy of any signed  
28 telephone orders, chart orders, or related documentation  
29 substantiating each oral or electronically transmitted  
30 prescription transaction under this section.

31 (b) For the purposes of this section, "hospice care"  
32 means interdisciplinary health care which is designed to  
33 alleviate the physical, emotional, social, and spiritual  
34 discomforts of an individual who is experiencing the last  
35 phases of a terminal disease and to provide supportive  
36 care for the primary care person and the family of the  
37 patient under hospice care.

38 (c) *This section shall become operative on January 1,*  
39 *2003.*



1 ~~SEC. 11. Section 11168 of the Health and Safety Code~~  
2 ~~is repealed.~~

3 ~~SEC. 12. Section 11169 of the Health and Safety Code~~  
4 ~~is repealed.~~

5 *SEC. 15. Section 11168 of the Health and Safety Code*  
6 *is amended to read:*

7 11168. (a) The prescription book containing the  
8 prescriber's copies of prescriptions issued shall be  
9 retained by the prescriber which shall be preserved for  
10 three years.

11 (b) *This section shall remain in effect only until*  
12 *January 1, 2003, and as of that date is repealed, unless a*  
13 *later enacted statute, that is enacted before January 1,*  
14 *2003, deletes or extends that date.*

15 *SEC. 16. Section 11169 of the Health and Safety Code*  
16 *is amended to read:*

17 11169. (a) When codeine, or dihydrocodeinone or  
18 tincture opii camphorata (paregoric) is not combined  
19 with other medicinal ingredients, it shall be prescribed on  
20 the official triplicate blanks.

21 (b) *This section shall remain in effect only until*  
22 *January 1, 2003, and as of that date is repealed, unless a*  
23 *later enacted statute, that is enacted before January 1,*  
24 *2003, deletes or extends that date.*

