

AMENDED IN SENATE JUNE 15, 2000  
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~~ Kuehl,  
Strom-Martin, and Zettel)**

**(Coauthor: Senator Bowen)**

**(Coauthors: Senators Bowen and Johannessen)**

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, 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, make conforming changes to related provisions, and 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 11158. (a) Except as provided in Section 11159 or in
- 4 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. 3. Section 11159.2 of the Health and Safety Code  
14 is amended to read:

15 11159.2. (a) Notwithstanding any other provision of  
16 law, a prescription for a Schedule II controlled substance  
17 for use by a patient who has a terminal illness shall not be  
18 subject to Section 11164.

19 (b) (1) The prescription shall be signed and dated by  
20 the prescriber and shall contain the name of the person  
21 for whom the controlled substance is prescribed, the  
22 name and quantity of the controlled substance  
23 prescribed, and directions for use. The signature, date,  
24 and information required by this paragraph shall be  
25 wholly written in ink or indelible pencil in the  
26 handwriting of the prescriber.

27 (2) The prescription shall also contain the address of  
28 the person for whom the controlled substance is  
29 prescribed, as provided in paragraph (3) of subdivision  
30 (b) of Section 11164, and shall contain the name, address,  
31 telephone number, category of professional licensure,  
32 and federal controlled substance registration number of  
33 the prescriber, as provided in paragraph (2) of  
34 subdivision (b) of Section 11164.

35 (3) The prescription shall also indicate that the  
36 prescriber has certified that the patient is terminally ill by  
37 the words "11159.2 exemption."

38 (c) A pharmacist may fill a prescription pursuant to  
39 this section when there is a technical error in the  
40 certification required by paragraph (3) of subdivision



1 (b), provided that he or she has personal knowledge of  
2 the patient's terminal illness, and subsequently returns  
3 the prescription to the prescriber for correction within 72  
4 hours.

5 (d) For purposes of this section, "terminally ill" means  
6 a patient who meets all of the following conditions:

7 (1) In the reasonable medical judgment of the  
8 prescribing physician, the patient has been determined  
9 to be suffering from an illness that is incurable and  
10 irreversible.

11 (2) In the reasonable medical judgment of the  
12 prescribing physician, the patient's illness will, if the  
13 illness takes its normal course, bring about the death of  
14 the patient within a period of one year.

15 (3) The patient's treatment by the physician  
16 prescribing a Schedule II controlled substance pursuant  
17 to this section primarily is for the control of pain,  
18 symptom management, or both, rather than for cure of  
19 the illness.

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

24 SEC. 4. Section 11161 of the Health and Safety Code  
25 is amended to read:

26 11161. (a) Prescription blanks shall be issued by the  
27 Department of Justice in serially numbered groups of not  
28 more than 100 forms each in triplicate, and shall be  
29 furnished to any practitioner authorized to write a  
30 prescription for controlled substances classified in  
31 Schedule II. The Department of Justice may charge a fee  
32 for the prescription blanks sufficient to reimburse the  
33 department for the actual costs associated with the  
34 preparation, processing, and filing of any forms issued  
35 pursuant to this section. The prescription blanks shall not  
36 be transferable. The Department of Justice shall not,  
37 during any 30-day period, issue more than 100 triplicate  
38 prescription blanks to any authorized practitioner, until  
39 written justification has been received and approved by  
40 the Department of Justice. Any person possessing a



1 triplicate prescription blank otherwise than as provided  
2 in this section is guilty of a misdemeanor.

3 (b) When a practitioner is named in a warrant of arrest  
4 or is charged in an accusatory pleading with a felony  
5 violation of Section 11153, 11154, 11156, 11157, 11170,  
6 11173, 11350, 11351, 11352, 11353, 11353.5, 11377, 11378,  
7 11378.5, 11379, 11379.5, or 11379.6, the court in which the  
8 accusatory pleading is filed or the magistrate who issued  
9 the warrant of arrest shall, upon the motion of a law  
10 enforcement agency which is supported by reasonable  
11 cause, issue an order which requires the practitioner to  
12 surrender to the clerk of the court all triplicate  
13 prescription blanks in the practitioner's possession at a  
14 time set in the order and shall direct the Department of  
15 Justice to withhold prescription blanks from the  
16 practitioner. The law enforcement agency obtaining the  
17 order shall notify the Department of Justice of this order.  
18 Except as provided in subdivisions (c) and (f) of this  
19 section, the order shall remain in effect until further  
20 order of the court. Any practitioner possessing  
21 prescription blanks in violation of the order is guilty of a  
22 misdemeanor.

23 (c) The order provided by subdivision (b) shall be  
24 vacated if the court or magistrate finds that the  
25 underlying violation or violations are not supported by  
26 reasonable cause at a hearing held within two court days  
27 after the practitioner files and personally serves upon the  
28 prosecuting attorney and the law enforcement agency  
29 that obtained the order, a notice of motion to vacate the  
30 order with any affidavits on which the practitioner relies.  
31 At the hearing, the burden of proof, by a preponderance  
32 of the evidence, is on the prosecution. Evidence  
33 presented at the hearing shall be limited to the warrant  
34 of arrest with supporting affidavits, the motion to require  
35 the defendant to surrender all triplicate prescription  
36 blanks with supporting affidavits, the sworn complaint  
37 together with any documents or reports incorporated by  
38 reference thereto which, if based on information and  
39 belief, state the basis for the information, or any other  
40 documents of similar reliability as well as affidavits and



1 counter affidavits submitted by the prosecution and  
2 defense. Granting of the motion to vacate the order is no  
3 bar to prosecution of the alleged violation or violations.

4 (d) The defendant may elect to challenge the order  
5 issued under subdivision (b) at the preliminary  
6 examination. At that hearing, the evidence shall be  
7 limited to that set forth in subdivision (c) and any other  
8 evidence otherwise admissible at the preliminary  
9 examination.

10 (e) If the practitioner has not moved to vacate the  
11 order issued under subdivision (b) by the time of the  
12 preliminary examination and he or she is held to answer  
13 on the underlying violation or violations, the practitioner  
14 shall be precluded from afterwards moving to vacate the  
15 order. If the defendant is not held to answer on the  
16 underlying charge or charges at the conclusion of the  
17 preliminary examination, the order issued under  
18 subdivision (b) shall be vacated.

19 (f) Notwithstanding subdivision (e), any practitioner  
20 who is diverted pursuant to Chapter 2.5 (commencing  
21 with Section 1000) of Title 7 of Part 2 of the Penal Code  
22 may file a motion to vacate the order issued under  
23 subdivision (b).

24 (g) This section shall remain in effect only until  
25 January 1, 2003, and as of that date is repealed, unless a  
26 later enacted statute, that is enacted before January 1,  
27 2003, deletes or extends that date.

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

30 11162. (a) The prescription blanks shall be printed  
31 on distinctive paper, the serial number of the group being  
32 shown on each form, and each form being serially  
33 numbered. The prescription blanks shall bear the  
34 preprinted name, address, and category of professional  
35 licensure of the practitioner to whom they are issued, and  
36 the federal registry number for controlled substances.

37 (b) This section shall remain in effect only until  
38 January 1, 2003, and as of that date is repealed, unless a  
39 later enacted statute, that is enacted before January 1,  
40 2003, deletes or extends that date.



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

3 11162.5. (a) Every person who counterfeits a  
4 prescription blank purporting to be an official  
5 prescription blank prepared and issued pursuant to  
6 Section 11161, or knowingly possesses more than three  
7 such counterfeited prescription blanks, shall be punished  
8 by imprisonment in the state prison or by imprisonment  
9 in the county jail for not more than one year.

10 (b) Every person who knowingly possesses three or  
11 fewer counterfeited prescription blanks purporting to be  
12 official prescription blanks prepared and issued pursuant  
13 to Section 11161, shall be guilty of a misdemeanor  
14 punishable by imprisonment in the county jail not  
15 exceeding six months, or by a fine not exceeding one  
16 thousand dollars (\$1,000), or by both.

17 (c) This section shall remain in effect only until  
18 January 1, 2003, and as of that date is repealed, unless a  
19 later enacted statute, that is enacted before January 1,  
20 2003, deletes or extends that date.

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

23 11163. (a) Not more than one such prescription  
24 group shall in any case be issued or furnished by the  
25 Department of Justice to the same prescriber at one time.

26 (b) This section shall remain in effect only until  
27 January 1, 2003, and as of that date is repealed, unless a  
28 later enacted statute, that is enacted before January 1,  
29 2003, deletes or extends that date.

30 SEC. 8. Section 11164 of the Health and Safety Code  
31 is amended to read:

32 11164. Except as provided in Section 11167, no person  
33 shall prescribe a controlled substance, nor shall any  
34 person fill, compound, or dispense such a prescription  
35 unless it complies with the requirements of this section.

36 (a) Each prescription for a controlled substance  
37 classified in Schedule II shall be wholly written in ink or  
38 indelible pencil in the handwriting of the prescriber upon  
39 the official prescription form issued by the Department  
40 of Justice. Each prescription shall be prepared in



1 triplicate, signed, and dated by the prescriber, and shall  
2 contain the name and address of the person for whom the  
3 controlled substance is prescribed, the name, quantity,  
4 and strength of the controlled substance prescribed,  
5 directions for use, and the address, category of  
6 professional licensure, and the federal controlled  
7 substance registration number of the prescriber. The  
8 original and duplicate of the prescription shall be  
9 delivered to the pharmacist filling the prescription. The  
10 duplicate shall be retained by the pharmacist and the  
11 original, properly endorsed by the pharmacist with the  
12 name and address of the pharmacy, the pharmacy's state  
13 license number, the date the prescription was filled and  
14 the signature of the pharmacist, shall be transmitted to  
15 the Department of Justice at the end of the month in  
16 which the prescription was filled. Upon receipt of an  
17 incompletely prepared official prescription form of the  
18 Department of Justice, the pharmacist may enter on the  
19 face of the prescription the address of the patient.

20 (b) Each prescription for a controlled substance  
21 classified in Schedule III, IV, or V, except as authorized  
22 by subdivision (c), shall be subject to the following  
23 requirements:

24 (1) The prescription shall be signed and dated by the  
25 prescriber and shall contain the name of the person for  
26 whom the controlled substance is prescribed, the name  
27 and quantity of the controlled substance prescribed, and  
28 directions for use. With respect to prescriptions for  
29 controlled substances classified in Schedules III and IV,  
30 the signature, date, and information required by this  
31 paragraph shall be wholly written in ink or indelible  
32 pencil in the handwriting of the prescriber.

33 (2) In addition, the prescription shall contain the  
34 name, address, telephone number, category of  
35 professional licensure, and federal controlled substance  
36 registration number of the prescriber. The information  
37 required by this paragraph shall be either preprinted  
38 upon the prescription blank, typewritten, rubber  
39 stamped, or printed by hand. Notwithstanding any  
40 provision in this section, the prescriber's address,



1 telephone number, category of professional licensure, or  
2 federal controlled substances registration number need  
3 not appear on the prescription if that information is  
4 readily retrievable in the pharmacy.

5 (3) The prescription shall also contain the address of  
6 the person for whom the controlled substance is  
7 prescribed. If the prescriber does not specify this address  
8 on the prescription, the pharmacist filling the  
9 prescription or an employee acting under the direction  
10 of the pharmacist shall write or type the address on the  
11 prescription or maintain this information in a readily  
12 retrievable form in the pharmacy.

13 (c) Any controlled substance classified in Schedule III,  
14 IV, or V may be dispensed upon an oral or electronically  
15 transmitted prescription, which shall be reduced to  
16 writing by the pharmacist filling the prescription or by  
17 any other person expressly authorized by provisions of  
18 the Business and Professions Code. The date of issue of the  
19 prescription and all the information required for a  
20 written prescription by subdivision (b) shall be included  
21 in the written record of the prescription. The pharmacist  
22 need not reduce to writing the address, telephone  
23 number, license classification, or federal registry number  
24 of the prescriber or the address of the patient if that  
25 information is readily retrievable in the pharmacy.  
26 Pursuant to authorization of the prescriber, any  
27 employee of the prescriber on behalf of the prescriber  
28 may orally or electronically transmit a prescription for a  
29 controlled substance classified in Schedule III, IV, or V, if  
30 in these cases the written record of the prescription  
31 required by this subdivision specifies the name of the  
32 employee of the prescriber transmitting the prescription.

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

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

39 (f) In addition to the prescriber's record required by  
40 Section 11190, any practitioner dispensing a controlled



1 substance classified in Schedule II in accordance with  
2 subdivision (b) of Section 11158 shall prepare a written  
3 record thereof on the official forms issued by the  
4 Department of Justice, pursuant to Section 11161, and  
5 shall transmit the original to the Department of Justice in  
6 accordance with any rules that the department may  
7 adopt for completion and transmittal of the forms.

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

12 SEC. 9. Section 11164 is added to the Health and  
13 Safety Code, to read:

14 11164. Except as provided in Section 11167, no person  
15 shall prescribe a controlled substance, nor shall any  
16 person fill, compound, or dispense such a prescription  
17 unless it complies with the requirements of this section.

18 (a) Each prescription for a controlled substance  
19 classified in Schedule II, III, IV, or V, except as authorized  
20 by subdivision (b), shall be subject to the following  
21 requirements:

22 (1) The prescription shall be signed and dated by the  
23 prescriber and shall contain the name of the person for  
24 whom the controlled substance is prescribed, the name  
25 and quantity of the controlled substance prescribed, and  
26 directions for use. Prescriptions for controlled substances  
27 classified in Schedules II, III, and IV shall include the  
28 signature, date, and information required by this  
29 paragraph, and shall be wholly written in ink or indelible  
30 pencil in the handwriting of the prescriber.

31 (2) In addition, the prescription shall contain the  
32 name, address, telephone number, category of  
33 professional licensure, and federal controlled substance  
34 registration number of the prescriber. The information  
35 required by this paragraph shall be either preprinted  
36 upon the prescription blank, typewritten, rubber  
37 stamped, or printed by hand. Notwithstanding any  
38 provision in this section, the prescriber's address,  
39 telephone number, category of professional licensure, or  
40 federal controlled substances registration number need



1 not appear on the prescription if that information is  
2 readily retrievable in the pharmacy.

3 (3) The prescription shall also contain the address of  
4 the person for whom the controlled substance is  
5 prescribed. If the prescriber does not specify this address  
6 on the prescription, the pharmacist filling the  
7 prescription or an employee acting under the direction  
8 of the pharmacist shall write or type the address on the  
9 prescription or maintain this information in a readily  
10 retrievable form in the pharmacy.

11 (b) Any controlled substance classified in Schedule III,  
12 IV, or V may be dispensed upon an oral or electronically  
13 transmitted prescription, which shall be reduced to  
14 writing by the pharmacist filling the prescription or by  
15 any other person expressly authorized by provisions of  
16 the Business and Professions Code. The date of issue of the  
17 prescription and all the information required for a  
18 written prescription by subdivision (a) shall be included  
19 in the written record of the prescription. The pharmacist  
20 need not reduce to writing the address, telephone  
21 number, license classification, or federal registry number  
22 of the prescriber or the address of the patient if that  
23 information is readily retrievable in the pharmacy.  
24 Pursuant to authorization of the prescriber, any  
25 employee of the prescriber on behalf of the prescriber  
26 may orally or electronically transmit a prescription for a  
27 controlled substance classified in Schedule III, IV, or V, if  
28 in these cases the written record of the prescription  
29 required by this subdivision specifies the name of the  
30 employee of the prescriber transmitting the prescription.

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

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

37 (e) This section shall become operative on January 1,  
38 2003.

39 SEC. 10. Section 11165 of the Health and Safety Code  
40 is amended to read:



1 11165. (a) To assist law enforcement and regulatory  
2 agencies in their efforts to control the diversion and  
3 resultant abuse of Schedule II controlled substances, and  
4 for statistical analysis, education, and research, the  
5 Department of Justice shall, contingent upon the  
6 availability of adequate funds, establish the Controlled  
7 Substance Utilization Review and Evaluation System  
8 (CURES) for the electronic monitoring of the  
9 prescribing and dispensing of Schedule II controlled  
10 substances by all practitioners authorized to prescribe or  
11 dispense these controlled substances.

12 (b) The CURES program shall operate under existing  
13 provisions of law to safeguard the privacy and  
14 confidentiality of patients. Data obtained from CURES  
15 shall only be provided to appropriate state, local, and  
16 federal persons or public agencies for disciplinary, civil,  
17 or criminal purposes and to other agencies or entities, as  
18 determined by the Department of Justice, for the  
19 purpose of educating practitioners and others in lieu of  
20 disciplinary, civil, or criminal actions. Data may be  
21 provided to public or private entities, as approved by the  
22 Department of Justice, for educational, peer review,  
23 statistical, or research purposes, provided that patient  
24 information, including any information that may identify  
25 the patient, is not compromised. Further, data disclosed  
26 to any individual or agency as described in this  
27 subdivision, shall not be disclosed, sold, or transferred to  
28 any third party.

29 SEC. 11. Section 11167 of the Health and Safety Code  
30 is amended to read:

31 11167. Notwithstanding subdivision (a) of Section  
32 11164, in an emergency where failure to issue a  
33 prescription may result in loss of life or intense suffering,  
34 an order for a Schedule II controlled substance may be  
35 dispensed on an oral, written, or electronic data  
36 transmission order, subject to all of the following  
37 requirements:

38 (a) The order contains all information required by  
39 subdivision (a) of Section 11164.



1 (b) Any written order is signed and dated by the  
2 prescriber in indelible pencil or ink, and the pharmacy  
3 reduces any oral or electronic data transmission order to  
4 writing prior to actually dispensing the controlled  
5 substance.

6 (c) The prescriber provides a triplicate prescription,  
7 completed as provided by subdivision (a) of Section  
8 11164, by the seventh day following the transmission of  
9 the initial order; a postmark by the seventh day following  
10 transmission of the initial order shall constitute  
11 compliance.

12 (d) If the prescriber fails to comply with subdivision  
13 (c), the pharmacy shall so notify the Bureau of Narcotic  
14 Enforcement in writing within 144 hours of the  
15 prescriber's failure to do so and shall make and retain a  
16 written, readily retrievable record of the prescription,  
17 including the date and method of notification of the  
18 Bureau of Narcotic Enforcement.

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

23 SEC. 12. Section 11167 is added to the Health and  
24 Safety Code, to read:

25 11167. Notwithstanding subdivision (a) of Section  
26 11164, in an emergency where failure to issue a  
27 prescription may result in loss of life or intense suffering,  
28 an order for a Schedule II controlled substance may be  
29 dispensed on an oral or electronic data transmission  
30 order, subject to all of the following requirements:

31 (a) The order contains all information required by  
32 subdivision (a) of Section 11164.

33 (b) The pharmacy reduces any oral or electronic data  
34 transmission order to writing prior to actually dispensing  
35 the controlled substance.

36 (c) The prescriber provides a written prescription,  
37 completed as provided by subdivision (a) of Section  
38 11164, by the seventh day following the transmission of  
39 the initial order; a postmark by the seventh day following



1 transmission of the initial order shall constitute  
2 compliance.

3 (d) If the prescriber fails to comply with subdivision  
4 (c), the pharmacy shall so notify the Bureau of Narcotic  
5 Enforcement in writing within 144 hours of the  
6 prescriber's failure to do so and shall make and retain a  
7 written, readily retrievable record of the prescription,  
8 including the date and method of notification of the  
9 Bureau of Narcotic Enforcement.

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

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

14 11167.5. (a) An order for a controlled substance  
15 classified in Schedule II in a licensed skilled nursing  
16 facility, an intermediate care facility, or a licensed home  
17 health agency providing hospice care may be dispensed  
18 upon an oral or electronically transmitted prescription.  
19 Prior to filling the prescription, the pharmacist shall  
20 reduce it to writing in ink or indelible pencil in the  
21 handwriting of the pharmacist upon an official  
22 prescription form issued by the Department of Justice for  
23 that purpose. The prescriptions shall be prepared in  
24 triplicate and shall contain the date the prescription was  
25 orally or electronically transmitted by the prescriber, the  
26 name of the person for whom the prescription was  
27 authorized, the name and address of the licensed facility  
28 or home health agency providing hospice care in which  
29 that person is a patient, the name and quantity of the  
30 controlled substance prescribed, the directions for use,  
31 and the name, address, category of professional licensure,  
32 and federal controlled substance registration number of  
33 the prescriber. The duplicate shall be retained by the  
34 pharmacist, and the triplicate shall be forwarded to the  
35 prescriber by the end of the month in which the  
36 prescription was issued. The original shall be properly  
37 endorsed by the pharmacist with the pharmacy's state  
38 license number, the signature of the pharmacist, the  
39 name and address of the pharmacy, and the signature of  
40 the person who received the controlled substances for the



1 licensed facility or home health agency providing hospice  
2 care and shall be forwarded by the pharmacist to the  
3 Department of Justice at the end of the month in which  
4 the prescription was filled. A skilled nursing facility,  
5 intermediate care facility, or licensed home health  
6 agency providing hospice care shall forward to the  
7 dispensing pharmacist a copy of any signed telephone  
8 orders, chart orders, or related documentation  
9 substantiating each oral or electronically transmitted  
10 prescription transaction under this section.

11 (b) For the purposes of this section, “hospice care”  
12 means interdisciplinary health care which is designed to  
13 alleviate the physical, emotional, social, and spiritual  
14 discomforts of an individual who is experiencing the last  
15 phases of a terminal disease and to provide supportive  
16 care for the primary care person and the family of the  
17 patient under hospice care.

18 (c) This section shall remain in effect only until  
19 January 1, 2003, and as of that date is repealed, unless a  
20 later enacted statute, that is enacted before January 1,  
21 2003, deletes or extends that date.

22 SEC. 14. Section 11167.5 is added to the Health and  
23 Safety Code, to read:

24 11167.5. (a) An order for a controlled substance  
25 classified in Schedule II in a licensed skilled nursing  
26 facility, an intermediate care facility, or a licensed home  
27 health agency providing hospice care may be dispensed  
28 upon an oral or electronically transmitted prescription.  
29 Prior to filling the prescription, the pharmacist shall  
30 reduce it to writing in ink or indelible pencil in the  
31 handwriting of the pharmacist. The prescriptions shall  
32 contain the date the prescription was orally or  
33 electronically transmitted by the prescriber, the name of  
34 the person for whom the prescription was authorized, the  
35 name and address of the licensed facility or home health  
36 agency providing hospice care in which that person is a  
37 patient, the name and quantity of the controlled  
38 substance prescribed, the directions for use, and the  
39 name, address, category of professional licensure, and  
40 federal controlled substance registration number of the



1 prescriber. The prescription shall be retained by the  
2 pharmacist, and shall be properly endorsed by the  
3 pharmacist with the pharmacy's state license number,  
4 the signature of the pharmacist, the name and address of  
5 the pharmacy, and the signature of the person who  
6 received the controlled substances for the licensed  
7 facility or home health agency providing hospice care. A  
8 skilled nursing facility, intermediate care facility, or  
9 licensed home health agency providing hospice care shall  
10 forward to the dispensing pharmacist a copy of any signed  
11 telephone orders, chart orders, or related documentation  
12 substantiating each oral or electronically transmitted  
13 prescription transaction under this section.

14 (b) For the purposes of this section, "hospice care"  
15 means interdisciplinary health care which is designed to  
16 alleviate the physical, emotional, social, and spiritual  
17 discomforts of an individual who is experiencing the last  
18 phases of a terminal disease and to provide supportive  
19 care for the primary care person and the family of the  
20 patient under hospice care.

21 (c) This section shall become operative on January 1,  
22 2003.

23 SEC. 15. Section 11168 of the Health and Safety Code  
24 is amended to read:

25 11168. (a) The prescription book containing the  
26 prescriber's copies of prescriptions issued shall be  
27 retained by the prescriber which shall be preserved for  
28 three years.

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

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

35 11169. (a) When codeine, or dihydrocodeinone, or  
36 tincture opii camphorata (paregoric) is not combined  
37 with other medicinal ingredients, it shall be prescribed on  
38 the official triplicate blanks.

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.

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