

CHAPTER 106**(HB 342)**

AN ACT relating to electronic prescribing of controlled substances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 218A IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding KRS 218A.180 or any other state law to the contrary, beginning January 1, 2021, no practitioner shall issue any prescription for a controlled substance unless the prescription is made by electronic prescription from the practitioner issuing the prescription to a pharmacy, except for prescriptions issued:*
- (a) *By veterinarians;*
 - (b) *In circumstances where electronic prescribing is not available due to temporary technological or electrical failure;*
 - (c) *By a practitioner to be dispensed by a pharmacy located outside the state;*
 - (d) *When the prescriber and dispenser are the same entity;*
 - (e) *That include elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard;*
 - (f) *By a practitioner for a drug that contains certain elements that cannot be incorporated as required by the United States Food and Drug Administration with electronic prescribing, including extemporaneous compounding;*
 - (g) *By a practitioner allowing for the dispensing of a nonpatient specific prescription under a standing order, approved protocol for drug therapy, or collaborative drug management or comprehensive medication management, in response to a public health emergency;*
 - (h) *By a practitioner prescribing a drug under a research protocol;*
 - (i) *By practitioners who have received a waiver or a renewal thereof, from the requirement to use electronic prescribing due to economic hardship, technological limitations that are not reasonably within the control of the practitioner, or other exceptional circumstance demonstrated by the practitioner. The initial waiver and each subsequent waiver renewal shall not exceed one (1) year per waiver or waiver renewal;*
 - (j) *By a practitioner under circumstances where, notwithstanding the practitioner's present ability to make an electronic prescription as required by this subsection, the practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and delay would adversely impact the patient's medical condition;*
 - (k) *By a practitioner for an individual who receives hospice care; or*
 - (l) *By a practitioner for an individual who is a resident of a nursing facility.*
- (2) *A pharmacist who receives a written, oral, or faxed prescription for a controlled substance shall not be required to verify that the prescription properly falls under one (1) of the exceptions from the requirement to electronically prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral, or fax prescriptions that are consistent with current laws and administrative regulations.*
- (3) *The cabinet shall promulgate administrative regulations to implement this section including enforcement mechanisms, waivers of requirements, and appropriate penalties for violations.*

➔Section 2. This Act takes effect January 1, 2021.

Signed by Governor March 26, 2019.