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Chapter No. 449

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JW / CC/RB

SENATE BILL NO. 2810

Originated in Senate

James W. Sykes

Secretary

SENATE BILL NO. 2810

AN ACT TO AMEND SECTION 41-29-115, MISSISSIPPI CODE OF 1972, TO INCLUDE TAPENTADOL AND ANPP IN SCHEDULE II OF THE CONTROLLED SUBSTANCES ACT; TO AMEND SECTION 41-29-117, MISSISSIPPI CODE OF 1972, TO INCLUDE CERTAIN ANABOLIC STEROIDS AND BUTALBITAL IN SCHEDULE III OF THE CONTROLLED SUBSTANCES ACT; TO AMEND SECTION 41-29-119, MISSISSIPPI CODE OF 1972, TO INCLUDE FOSPROPOFOL, CARISOPRODOL AND TRAMADOL IN SCHEDULE IV OF THE CONTROLLED SUBSTANCES ACT; TO AMEND SECTION 41-29-121, MISSISSIPPI CODE OF 1972, TO INCLUDE LACOSAMIDE IN SCHEDULE V; TO MAKE CERTAIN TECHNICAL AMENDMENTS TO MORE CLOSELY CONFORM TO THE FEDERAL CONTROLLED SUBSTANCE SCHEDULES; TO AMEND SECTION 41-29-137, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-29-115, Mississippi Code of 1972, is amended as follows:

41-29-115. (A) The controlled substances listed in this section are included in Schedule II.

SCHEDULE II

(a) **Substances, vegetable origin or chemical synthesis.**

Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone hydrochloride, apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmeffene and naltrexone, but including the following:

- (i) Codeine;
- (ii) Dihydroetorphine;

- (iii) Ethylmorphine;
- (iv) Etorphine hydrochloride;
- (v) Granulated opium;
- (vi) Hydrocodone;
- (vii) Hydromorphone;
- (viii) Metopon;
- (ix) Morphine;
- (x) Opium extracts;
- (xi) Opium fluid extracts;
- (xii) Oripavine;
- (xiii) Oxycodone;
- (xiv) Oxymorphone;
- (xv) Powdered opium;
- (xvi) Raw opium;
- (xvii) Thebaine;
- (xviii) Tincture of opium.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

(4) Coca leaves and any salt, compound, derivative, or preparation of cocaine or coca leaves, including cocaine and ecgonine and any salt, compound, derivative, isomer, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy).

(b) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts

is possible within the specified chemical designation, dextrorphan and levopropoxyphene excepted:

- (1) Alfentanil;
- (2) Alphaprodine;
- (3) Anileridine;
- (4) Bezitramide;
- (5) Bulk dextropropoxyphene (nondosage forms);
- (6) Carfentanil;
- (7) Dihydrocodeine;
- (8) Diphenoxylate;
- (9) Fentanyl;
- (10) Isomethadone;
- (11) Levo-alpha-acetylmethadol

(levo-alpha-acetylmethadol, levomethadyl acetate, LAAM);

- (12) Levomethorphan;
- (13) Levorphanol;
- (14) Metazocine;
- (15) Methadone;
- (16) Methadone-intermediate,

4-cyano-2-dimethylamino-4,4-diphenyl butane;

- (17) Moramide-intermediate,

2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;

- (18) Pethidine (meperidine);
- (19) Pethidine-Intermediate-A,

4-cyano-1-methyl-4-phenylpiperidine;

- (20) Pethidine-Intermediate-B,

ethyl-4-phenylpiperidine-4-carboxylate;

- (21) Pethidine-Intermediate-C,

1-methyl-4-phenylpiperidine-4-carboxylic acid;

- (22) Phenazocine;
- (23) Piminodine;
- (24) Racemethorphan;
- (25) Racemorphan;

(26) Remifentanil;

(27) Sufentanil;

(28) Tapentadol.

(c) **Stimulants.** Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Phenmetrazine and its salts;

(3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;

(4) Methylphenidate and its salts;

(5) Lisdexamfetamine, its salts, isomers and salts of isomers.

(d) **Depressants.** Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Amobarbital;

(2) Secobarbital;

(3) Pentobarbital;

(4) Glutethimide.

* * *

(e) **Hallucinogenic substances.** Nabilone [other names include: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one].

(f) **Immediate precursors.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Amphetamine and methamphetamine immediate precursor: Phenylacetone (other names include:

phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl ketone);

(2) Phencyclidine immediate precursors:

(i) 1-phenylcyclohexylamine;

(ii) 1-piperidinocyclohexanecarbonitrile

(PCC);

(3) Fentanyl immediate precursor:

4-anilino-N-phenethyl-4-piperidine (ANPP);

(g) Other substances. * * * Pentazocine and its salts in injectable dosage form.

* * *

(B) Any material, compound, mixture or preparation which contains any quantity of a Schedule II controlled substance and is listed as an exempt substance in 21 CFR, Section 1308.24 or 1308.32, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 2. Section 41-29-117, Mississippi Code of 1972, is amended as follows:

41-29-117. (A) The controlled substances listed in this section are included in Schedule III.

SCHEDULE III

(a) Stimulants. Any material, compound, mixture, or preparation which contains any quantity of the following substances or their salts, isomers, or salts of isomers, of the following substances:

(1) Benzphetamine;

(2) Chlorphentermine;

(3) Clortermine;

(4) Phendimetrazine.

(b) Depressants. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Any substance which 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;

(2) Unless specifically excepted or unless listed in another schedule, any compound, mixture or preparation containing any of the following substances or any salt of the substances specifically included in this subsection (2) and one or more other active medicinal ingredients which are not listed in any other schedule:

- (i) Amobarbital;
- (ii) Secobarbital;
- (iii) Pentobarbital;

(3) Any suppository dosage form containing any of the following substances or any salt of any of the substances specifically included in this subsection (3) approved by the Food and Drug Administration for marketing only as a suppository:

- (i) Amobarbital;
- (ii) Secobarbital;
- (iii) Pentobarbital;

(4) Chlorhexadol;

(5) Embutramide;

(6) Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers and salts of isomers, for which an application is approved under Section 505 of the Federal Food, Drug and Cosmetic Act;

(7) Ketamine; its salts, isomers, and salts of isomers; other names include (+) -2- (2-chlorophenyl) -2- (methylamino) cyclohexanone;

(8) Lysergic acid;

(9) Lysergic acid amide;

(10) Methyprylon;

(11) Sulfondiethylmethane;

(12) Sulfonethylmethane;

(13) Sulfonmethane;

(14) Tiletamine and zolazepam or any salt thereof;

other names for the tiletamine and zolazepam combination product include: telazol; other names for tiletamine include:

2-(ethylamino)-2-(2-thienyl)-cyclohexanone; other names for

zolazepam include: 4-(2-fluorophenyl)-6,8-dihydro 1,3,

8-trimethylpyrazolo-[3,4-e] (1,4)-diazepin-7(1H)-one, flupyrazapon.

* * *

(c) Nalorphine.

* * *

(d) Any material, compound, mixture or preparation which contains any quantity of ephedrine or pseudoephedrine.

(e) Narcotic drugs. Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than one and eight-tenths (1.8) grams of codeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than one and eight-tenths (1.8) grams of codeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than three hundred (300) milligrams of dihydrocodeinone (also known as hydrocodone), or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than three hundred (300) milligrams of dihydrocodeinone (also known as hydrocodone), or any of its salts, per one hundred (100) milliliters or not more than fifteen

(15) milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than one and eight-tenths (1.8) grams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than three hundred (300) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than twenty-five (25) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than fifty (50) milligrams of morphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) Anabolic steroids. Any material, compound, mixture or preparation containing any quantity of any of the following anabolic steroids, which means any drug or hormonal substance chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids and dehydroepiandrosterone) that promotes muscle growth, unless listed in another schedule or excepted:

- (1) 3beta,17-dihydroxy-5a-androstane;
- (2) 3alpha,17beta-dihydroxy-5a-androstane;
- (3) 5alpha-androstan-3,17-dione;
- (4) 1-androstenediol

(3beta,17beta-dihydroxy-5alpha-androst-1-ene);

(5) 1-androstenediol
(3alpha,17beta-dihydroxy-5alpha-androst-1-ene);

(6) 4-androstenediol
(3beta,17beta-dihydroxy-androst-4-ene);

(7) 5-androstenediol
(3beta,17beta-dihydroxy-androst-5-ene);

(8) 1-androstenedione ([5alpha]-androst-1-en-3,
17-dione);

(9) 4-androstenedione (androst-4-en-3,17-dione);

(10) 5-androstenedione (androst-5-en-3,17-dione);

(11) Bolasterone
(7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

(12) Boldenone
(17beta-hydroxyandrost-1,4,-diene-3-one);

(13) Boldione (androsta-1,4-diene-3,17-dione);

(14) Calusterone
(7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

(15) Clostebol
(4-chloro-17beta-hydroxyandrost-4-en-3-one);

(16) Dehydrochloromethyltestosterone
(4-chloro-17beta-hydroxy-17alpha-methylandrost-1,4-dien-3-one);

(17) Delta1-dihydrotestosterone (also known as
1-testosterone) (17beta-hydroxy-5alpha-androst-1-en-3-one);

(18) 4-dihydrotestosterone
(17beta-hydroxy-androstan-3-one);

(19) Drostanolone
(17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);

(20) Ethylestrenol
(17alpha-ethyl-17beta-hydroxyestr-4-ene);

(21) Fluoxymesterone
(9-fluoro-17alpha-methyl-11beta,
17beta-dihydroxyandrost-4-en-3-one);

(22) Formebolone

(2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,4-dien-3-one);

(23) Furazabol

(17alpha-methyl-17beta-hydroxyandrostano [2,3-c]-furazan);

(24) 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;

(25) 4-hydroxytestosterone

(4,17beta-dihydroxyandrost-4-en-3-one);

(26) 4-hydroxy-19-nortestosterone

(4,17beta-dihydroxy-estr-4-en-3-one);

(27) Desoxymethyltestosterone

(17alpha-methyl-5alpha-androst-2-en-17beta-ol, also known as madol);

(28) Mestanolone

(17alpha-methyl-17beta-hydroxy-5-androstan-3-one);

(29) Mesterolone

(1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);

(30) Methandienone

(17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);

(31) Methandriol (17alpha-methyl-3beta,

17beta-dihydroxyandrost-5-ene);

(32) Methenolone

(1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);

(33) 17alpha-methyl-3beta,

17beta-dihydroxy-5a-androstane;

(34) 17alpha-methyl-3alpha,

17beta-dihydroxy-5a-androstane;

(35) 17alpha-methyl-3beta,

17beta-dihydroxyandrost-4-ene;

(36) 17alpha-methyl-4-hydroxynandrolone

(17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);

(37) Methyldienolone

(17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);

(38) Methyltrienolone
(17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);

(39) Methyltestosterone
(17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);

(40) Mibolerone
(7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);

(41) 17alpha-methyl-Delta1-dihydrotestosterone
(17b beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known as 17-alpha-methyl-1-testosterone);

(42) Nandrolone (17beta-hydroxyestr-4-en-3-one);

(43) 19-nor-4-androstenediol
(3beta,17beta-dihydroxyestr-4-ene);

(44) 19-nor-4-androstenediol
(3a,17beta-dihydroxyestr-4-ene);

(45) 19-nor-5-androstenediol
(3beta,17beta-dihydroxyestr-5-ene);

(46) 19-nor-5-androstenediol
(3alpha,17beta-dihydroxyestr-5-ene);

(47) 19-nor-4,9(10)-androstadienedione
(estra-4,9(10)-diene3,17-dione,
19-norandrosta-4,9(10)-diene-3,17-dione);

(48) 19-nor-4-androstenedione
(estr-4-en-3,17-dione);

(49) 19-nor-5-androstenedione
(estr-5-en-3,17-dione);

(50) Norbolethone
(13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);

(51) Norclostebol
(4-chloro-17beta-hydroxyestr-4-en-3-one);

(52) Norethandrolone
(17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);

(53) Normethandrolone
(17alpha-methyl-17beta-hydroxyestr-4-en-3-one);

(54) Oxandrolone

(17alpha-methyl-17beta-hydroxy-2-oxa- [5alpha] -androstan-3-one) ;

(55) Oxymesterone

(17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one) ;

(56) Oxymetholone

(17alpha-methyl-2-hydroxymethylene-17beta-hydroxy- [5alpha] -androstan-3-one) ;

(57) Stanozolol

(17alpha-methyl-17beta-hydroxy- [5alpha] -androst-2-eno[3,2-c] -pyrazole) ;

(58) Stenbolone

(17beta-hydroxy-2-methyl- [5alpha] -androst-1-en-3-one) ;

(59) Testolactone

(13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone) ;

(60) Testosterone

(17beta-hydroxyandrost-4-en-3-one) ;

(61) Tetrahydrogestrinone

(13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one) ;

(62) Trenbolone

(17beta-hydroxyestr-4,9,11-trien-3-one) ;

(63) Any salt, ester, or ether of a drug or substance described in this paragraph. Except such term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the Secretary of Health and Human Services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use, the person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this paragraph;

(64) Any salt, ester or ether of a drug or substance described or listed in this paragraph.

(g) Any material, compound, mixture or preparation which contains any quantity of buprenorphine or its salts.

(h) Any material, compound, mixture or preparation which contains any quantity of pentazocine or its salts in oral dosage form.

(i) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product.

(B) Any material, compound, mixture or preparation which contains any quantity of a Schedule III controlled substance other than butalbital, and is listed as an exempt substance in 21 CFR, Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 3. Section 41-29-119, Mississippi Code of 1972, is amended as follows:

41-29-119. (A) The controlled substances listed in this section are included in Schedule IV.

SCHEDULE IV

(a) **Narcotic drugs.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains limited quantities of the following narcotic drugs, or any salts thereof:

(1) Not more than one (1) milligram of difenoxin and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit;

(2) Dextropropoxyphene, including its salts (Darvon, Darvon-N; also found in Darvon compound and Darvocet-N, etc.).

(b) **Depressants.** Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) Alprazolam;

- (2) Barbital;
- (3) Bromazepam;

* * *

- (4) Camazepam;
- (5) Carisoprodol;
- (6) Chloral betaine;
- (7) Chloral hydrate;
- (8) Chlordiazepoxide and its salts, but does not include chlordiazepoxide hydrochloride and clidinium bromide or chlordiazepoxide and esterified estrogens;

- (9) Clobazam;
- (10) Clonazepam;
- (11) Clorazepate;
- (12) Clotiazepam;
- (13) Cloxazolam;
- (14) Delorazepam;
- (15) Diazepam;
- (16) Dichloralphenazone;
- (17) Estazolam;
- (18) Ethchlorvynol;
- (19) Ethinamate;
- (20) Ethyl loflazepate;
- (21) Fludiazepam;
- (22) Flunitrazepam;
- (23) Flurazepam;
- (24) Fospropofol;
- (25) Halazepam;
- (26) Haloxazolam;
- (27) Ketazolam;
- (28) Loprazolam;
- (29) Lorazepam;
- (30) Lormetazepam;
- (31) Mazindol;

- (32) Mebutamate;
- (33) Medazepam;
- (34) Meprobamate;
- (35) Methohexital;
- (36) Methylphenobarbital;
- (37) Midazolam;
- (38) Nimetazepam;
- (39) Nitrazepam;
- (40) Nordiazepam;
- (41) Oxazepam;
- (42) Oxazolam;
- (43) Paraldehyde;
- (44) Petrichloral;
- (45) Phenobarbital;
- (46) Pinazepam;
- (47) Prazepam;
- (48) Quazepam;
- (49) Temazepam;
- (50) Tetrazepam;
- (51) Triazolam;
- (52) Zaleplon;
- (53) Zolpidem;
- (54) Zopiclone.

(c) Fenfluramine.

(d) **Stimulants.** Any material, compound, mixture or preparation which contains any quantity of the following substances:

- (1) Diethylpropion;
- (2) Phentermine;
- (3) Pemoline (including any organometallic complexes and chelates thereof);
- (4) Pipradrol;
- (5) Sibutramine;

(6) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

* * *

(7) Cathine ((+/-) Norpseudoephedrine);

(8) Fencamfamin;

(9) Fenproporex;

(10) Mefenorex;

(11) Modafinil.

(e) Other substances. (1) Butorphanol (including its optical isomers);

(2) Tramadol.

(B) Any material, compound, mixture or preparation which contains any quantity of a Schedule IV controlled substance and is listed as an exempt substance in 21 CFR, Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 4. Section 41-29-121, Mississippi Code of 1972, is amended as follows:

41-29-121. (A) The controlled substances listed in this section are included in Schedule V:

SCHEDULE V

(a) Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation, valuable, medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than two hundred (200) milligrams of codeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams;

(2) Not more than one hundred (100) milligrams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams;

(3) Not more than one hundred (100) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams;

(4) Not more than two and five-tenths (2.5) milligrams of diphenoxylate and not less than twenty-five (25) micrograms of atropine sulphate per dosage unit;

(5) Not more than one hundred (100) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams;

(6) Not more than five-tenths (0.5) milligram of difenoxin and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit.

(b) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substance, including its salts, isomers and salts of isomers: * * * Pyrovalerone.

(c) Depressants. Unless specifically excepted or listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including their salts, isomers and salts of isomers:

(1) Lacosamide

[(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];

(2) Pregabalin

[(S)-3-(aminomethyl)-5-methylhexanoic acid].

(B) Any material, compound, mixture or preparation which contains any quantity of a Schedule V controlled substance and is listed as an exempt substance in 21 CFR, Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 5. Section 41-29-137, Mississippi Code of 1972, is amended as follows:

41-29-137. (a) (1) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II, as set out in Section 41-29-115, may be dispensed without the written valid prescription of a practitioner. A practitioner shall keep a record of all controlled substances in Schedule I, II and III administered, dispensed or professionally used by him otherwise than by prescription.

(2) In emergency situations, as defined by rule of the State Board of Pharmacy, Schedule II drugs may be dispensed upon the oral valid prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of Section 41-29-133. No prescription for a Schedule II substance may be refilled unless renewed by prescription issued by a licensed medical doctor.

(b) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, as set out in Sections 41-29-117 and 41-29-119, * * * shall not be dispensed without a written or oral valid prescription of a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner.

(c) A controlled substance included in Schedule V, as set out in Section 41-29-121, shall not be distributed or dispensed other than for a medical purpose.

(d) An optometrist certified to prescribe and use therapeutic pharmaceutical agents under Sections 73-19-153 through 73-19-165 shall be authorized to prescribe oral analgesic controlled substances in Schedule IV or V, as pertains to treatment and management of eye disease by written prescription only.

(e) Administration by injection of any pharmaceutical product authorized in this section is expressly prohibited except when dispensed directly by a practitioner other than a pharmacy.

(f) (1) For the purposes of this article, Title 73, Chapter 21, and Title 73, Chapter 25, Mississippi Code of 1972, as it pertains to prescriptions for controlled substances, a "valid prescription" means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by:

(A) A practitioner who has conducted at least one (1) in-person medical evaluation of the patient; or

(B) A covering practitioner.

(2) (A) "In-person medical evaluation" means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.

(B) "Covering practitioner" means a practitioner who conducts a medical evaluation other than an in-person medical evaluation at the request of a practitioner who has conducted at least one (1) in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine within the previous twenty-four (24) months and who is temporarily unavailable to conduct the evaluation of the patient.

(3) A prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire is not a valid prescription.

(4) Nothing in this subsection (b) shall apply to:

(A) A prescription issued by a practitioner engaged in the practice of telemedicine as authorized under state or federal law; or

(B) The dispensing or selling of a controlled substance pursuant to practices as determined by the United States Attorney General by regulation.

SECTION 6. This act shall take effect and be in force from
and after July 1, 2011.

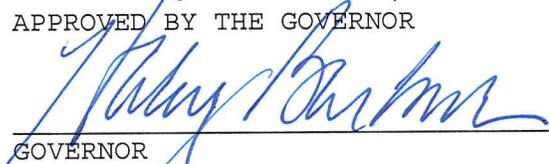
PASSED BY THE SENATE
February 8, 2011


PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 9, 2011


SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR


GOVERNOR

9/23/11 4:40p