State of South Dakota

NINETY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2017

619Y0016

SENATE BILL NO. 2

Introduced by: Senators White, Bolin, and Monroe and Representatives Stevens, Haugaard, and Tieszen at the request of the Interim Substance Abuse Prevention Study Committee

- 1 FOR AN ACT ENTITLED, An Act to require prescribers to access the prescription drug
- 2 monitoring program database prior to issuing a prescription to certain controlled substances.
- 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
- 4 Section 1. That § 34-20E-11 be amended to read:
- 5 34-20E-11. Nothing in this chapter requires a prescriber or dispenser to obtain information
- 6 about a patient from the central repository prior to prescribing or dispensing a controlled
- 7 substance. A prescriber, dispenser, or other health care provider may not be held liable in
- 8 damages to any person in any civil action on the basis that the prescriber, dispenser, or other
- 9 health care provider did or did not seek to obtain information from the central repository. Unless
- 10 there is shown a lack of good faith, the board, a prescriber, dispenser, or any other person in
- proper possession of information provided under this chapter is not subject to any civil liability
- by reason of:
- 13 (1) The furnishing of information under the conditions provided in this chapter;
- 14 (2) The receipt and use of, or reliance on, such the information;

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- 1 (3) The fact that any such of the information was not furnished; or
- 2 (4) The fact that such the information was factually incorrect or was released by the
- 3 board to the wrong person or entity.
- 4 Section 2. That chapter 34-20E be amended by adding a NEW SECTION to read:
- 5 A prescriber shall review a patient's prescription drug record available through the program
- 6 before the prescriber issues a prescription order for any controlled substance referenced in this
- 7 chapter.
- 8 Section 3. That chapter 34-20E be amended by adding a NEW SECTION to read:
- 9 The requirement under section 2 of this Act does not apply if:
- 10 (1) The patient is receiving hospice care;
- 11 (2) The prescription is for a number of doses that is intended to last the patient three days
- or less and is not subject to refill;
- 13 (3) The monitored prescription is lawfully administered to the patient; or
- 14 (4) Due to emergency, the prescriber is unable to review the patient's records prior to
- issuing the prescription.
- Section 4. This Act is effective on July 1, 2018.