

**§7253. Prescribers and dispensers required to check prescription monitoring information**

**1. Prescribers.** On or after January 1, 2017, upon initial prescription of a benzodiazepine or an opioid medication to a person and every 90 days for as long as that prescription is renewed, a prescriber shall check prescription monitoring information for records related to that person.

[PL 2015, c. 488, §9 (NEW).]

**2. Dispensers.** A dispenser shall check prescription monitoring information prior to dispensing a benzodiazepine or an opioid medication to a person under any of the following circumstances:

A. The person is not a resident of this State; [PL 2015, c. 488, §9 (NEW).]

B. The prescription is from a prescriber with an address outside of this State; [PL 2015, c. 488, §9 (NEW).]

C. The person is paying cash when the person has prescription insurance on file; or [PL 2015, c. 488, §9 (NEW).]

D. According to the pharmacy prescription record, the person has not had a prescription for a benzodiazepine or an opioid medication in the previous 12-month period. [PL 2015, c. 488, §9 (NEW).]

A dispenser shall withhold a prescription until the dispenser is able to contact the prescriber of that prescription if the dispenser has reason to believe that the prescription is fraudulent or duplicative.

[PL 2017, c. 360, §6 (AMD).]

**2-A. Dispensers who are veterinarians.** Notwithstanding subsection 2, a dispenser who is a veterinarian licensed under Title 32, chapter 71-A shall check prescription monitoring information prior to dispensing a benzodiazepine or an opioid medication for an animal except in circumstances described in subsection 3, paragraph C.

[PL 2017, c. 360, §7 (NEW).]

**3. Exceptions.** The requirements to check prescription monitoring information established in this section do not apply:

A. When a licensed or certified health care professional directly orders or administers a benzodiazepine or an opioid medication to a person in an emergency room setting, an inpatient hospital setting, a long-term care facility or a residential care facility or in connection with a surgical procedure; [PL 2017, c. 360, §8 (AMD).]

B. When a licensed or certified health care professional directly orders, prescribes or administers a benzodiazepine or an opioid medication to a person suffering from pain associated with end-of-life or hospice care; or [PL 2017, c. 360, §8 (AMD).]

C. When a veterinarian licensed under Title 32, chapter 71-A is providing care to an animal in a mobile or emergency setting or is dispensing a benzodiazepine or an opioid medication in an amount to be used during a period of 48 hours or less after the benzodiazepine or opioid medication is dispensed. [PL 2017, c. 360, §8 (NEW).]

[PL 2017, c. 360, §8 (AMD).]

**4. Violation.** A person who violates this section commits a civil violation for which a fine of \$250 per incident, not to exceed \$5,000 per calendar year, may be adjudged.

[PL 2015, c. 488, §9 (NEW).]

**5. Rulemaking.**

[PL 2017, c. 213, §10 (RP).]

SECTION HISTORY

PL 2015, c. 488, §9 (NEW). PL 2017, c. 122, §1 (AMD). PL 2017, c. 213, §§8-10 (AMD). PL 2017, c. 360, §§6-8 (AMD).

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