

1 SB151  
2 116125-6  
3 By Senator Dixon  
4 RFD: Governmental Affairs  
5 First Read: 12-JAN-10

1 SB151

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4 ENROLLED, An Act,

5 To amend Section 20-2-212 and Sections 20-2-214 and  
6 20-2-217, as last amended by Act 2009-489 of the 2009 Regular  
7 Session (Acts 2009, p. 891), Code of Alabama 1975, relating to  
8 controlled substances regulation, the Controlled Substances  
9 Prescription Database Advisory Committee and the controlled  
10 substance registration certificate; to authorize proxy  
11 designees to be appointed by committee members; to authorize  
12 out-of-state prescription drug monitoring programs to access  
13 Alabama's Prescription Drug Monitoring database under rules  
14 prescribed by the State Board of Health; and to permit the  
15 State Board of Health to utilize all funds collected from fees  
16 pursuant to Section 20-2-217 to be used for the administration  
17 of the controlled substances prescription database.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 20-2-212 and Sections 20-2-214  
20 and 20-2-217, as last amended by Act 2009-489 of the 2009  
21 Regular Session (Acts 2009, p. 891), Code of Alabama 1975, are  
22 amended to read as follows:

23 "§20-2-212.

24 "The department is hereby authorized to establish,  
25 create, and maintain a controlled substances prescription

1 database program. In order to carry out its responsibilities  
2 under this article, the department is hereby granted the  
3 following powers and authority:

4 "(1) To adopt regulations, in accordance with the  
5 Alabama Administrative Procedure Act, governing the  
6 establishment and operation of a controlled substances  
7 prescription database program.

8 "(2) To receive and to expend for the purposes  
9 stated in this article funds in the form of grants, donations,  
10 federal matching funds, interagency transfers, and  
11 appropriated funds designated for the development,  
12 implementation, operation, and maintenance of the controlled  
13 substances prescription database. The funds received pursuant  
14 to this subdivision shall be deposited in a new fund that is  
15 hereby established as a separate special revolving trust fund  
16 in the State Treasury to be known as the Alabama State  
17 Controlled Substance Database Trust Fund. No monies shall be  
18 withdrawn or expended from the fund for any purpose unless the  
19 monies have been appropriated by the Legislature and allocated  
20 pursuant to this article. Any monies appropriated shall be  
21 budgeted and allocated pursuant to the Budget Management Act  
22 in accordance with Article 4 (commencing with Section 41-4-80)  
23 of Chapter 4 of Title 41, and only in the amounts provided by  
24 the Legislature in the general appropriations act or other  
25 appropriations act.

1           "(3) To enter into one or more contracts with the  
2 State Board of Pharmacy for the performance of designated  
3 operational functions for the controlled substances  
4 prescription database, including, but not limited to, the  
5 receipt, collection, input, and transmission of controlled  
6 substances prescription data and such other operational  
7 functions as the department may elect.

8           "(4) To create a controlled substances prescription  
9 database advisory committee. The mission of the advisory  
10 committee is to consult with and advise the State Health  
11 Officer on matters related to the establishment, maintenance,  
12 and operation of the database, access to the database  
13 information, how access is to be regulated, and security of  
14 information contained in the database. The committee shall  
15 consist of one representative designated by each of the  
16 following organizations:

- 17           "a. The Medical Association of the State of Alabama.
- 18           "b. The Alabama Dental Association.
- 19           "c. The Alabama Pharmacy Association.
- 20           "d. The Alabama Veterinary Medicine Association.
- 21           "e. The State Health Officer, or his or her  
22 designee.
- 23           "f. The Alabama Hospital Association.
- 24           "g. The Executive Director of the Alabama State  
25 Board of Pharmacy.

1            "h. The Executive Director of the Board of Medical  
2 Examiners.

3            "i. The Alabama Optometric Association.

4            "j. One representative from each of the certifying  
5 boards established under the Alabama Uniform Controlled  
6 Substances Act.

7            "k. The Alabama Independent Drug Store Association.

8            "l. The Alabama Podiatry Association.

9            "(5) If a member of the Controlled Substances  
10 Prescription Database Advisory Committee is unable to attend a  
11 meeting, the organization which appointed that member may  
12 designate one of its employees or agents as a proxy. A proxy  
13 may participate in all deliberations of the committee and vote  
14 on all questions considered by the advisory committee.  
15 Designations of a proxy must be in writing, must specify by  
16 name the individual who will serve as proxy, and must specify  
17 the date of the meeting at which the proxy is authorized to  
18 serve. There must be a separate written proxy designation for  
19 each meeting at which a proxy will serve.

20            "(6) The membership of the committee shall be  
21 inclusive and reflect the racial, gender, geographic,  
22 urban/rural and economic diversity of the state. The committee  
23 shall annually report to the Legislature by the second  
24 legislative day of each regular session the extent to which

1 the committee has complied with the diversity provisions  
2 provided for in this act."

3 "\$20-2-214.

4 "The following persons or entities shall be  
5 permitted access to the information in the controlled  
6 substances database, subject to the limitations indicated  
7 below:

8 "(1) Authorized representatives of the certifying  
9 boards, provided, however, that access shall be limited to  
10 inquiries concerning the licensees of the certifying board.

11 "(2) A licensed practitioner approved by the  
12 department who has authority to prescribe, dispense, or  
13 administer controlled substances, provided, however, that such  
14 access shall be limited to information concerning an assistant  
15 to physician with a Qualified Alabama Controlled Substances  
16 Registration Certificate over whom the practitioner exercises  
17 physician supervision and a current or prospective patient of  
18 the practitioner. Practitioners shall have no requirement or  
19 obligation to access or check the information in the  
20 controlled substances database prior to prescribing,  
21 dispensing, or administering medications or as part of their  
22 professional practice.

23 "(3) A licensed assistant to physician approved by  
24 the department who is authorized to prescribe, administer, or  
25 dispense pursuant to a Qualified Alabama Controlled Substances

1 Registration Certificate; provided, however, that such access  
2 shall be limited to information concerning a current or  
3 prospective patient of the assistant to physician.

4 "(4) A licensed pharmacist approved by the  
5 department, provided, however, that such access is limited to  
6 information related to the patient or prescribing practitioner  
7 designated on a controlled substance prescription that a  
8 pharmacist has been asked to fill. Pharmacists shall have no  
9 requirement or obligation to access or check the information  
10 in the controlled substances database prior to dispensing or  
11 administering medications or as part of their professional  
12 practices.

13 "(5) State and local law enforcement authorities as  
14 authorized under Section 20-2-91, and federal law enforcement  
15 authorities authorized to access prescription information upon  
16 application to the department accompanied by an affidavit  
17 stating probable cause for the use of the requested  
18 information.

19 "(6) Employees of the department and consultants  
20 engaged by the department for operational and review purposes.

21 "(7) The prescription drug monitoring program of any  
22 of the other states or territories of the United States, if  
23 recognized by the Alliance for Prescription Drug Monitoring  
24 Programs under procedures developed by the United States  
25 Department of Justice or the Integrated Justice Information

1 Systems Institute or successor entity subject to or consistent  
2 with limitations for access prescribed by this chapter for the  
3 Alabama Prescription Drug Monitoring Program."

4 "\$20-2-217.

5 "There is hereby assessed a surcharge in the amount  
6 of ten dollars (\$10) per year on the controlled substance  
7 registration certificate of each licensed medical, dental,  
8 podiatric, optometric, and veterinary medicine practitioner  
9 authorized to prescribe or dispense controlled substances and  
10 on the Qualified Alabama Controlled Substances Registration  
11 Certificate of each licensed assistant to physician. This  
12 surcharge shall be effective for every practitioner  
13 certificate and every Qualified Alabama Controlled Substances  
14 Registration Certificate issued or renewed on or after August  
15 1, 2004, shall be in addition to any other fees collected by  
16 the certifying boards, and shall be collected by each of the  
17 certifying boards and remitted to the department at such times  
18 and in such manner as designated in the regulations of the  
19 department. The proceeds of the surcharge assessed herein  
20 shall be used exclusively for the development, implementation,  
21 operation, and maintenance of the controlled substances  
22 prescription database.

23 Section 2. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.



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President and Presiding Officer of  
the Senate

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Speaker of the House of Representa-  
tives

SB151  
Senate 11-FEB-10  
I hereby certify that the within Act originated in  
and passed the Senate, as amended.

McDowell Lee  
Secretary

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House of Representatives  
Passed: 14-APR-10

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By: Senator Dixon