Enrolled
House Bill 3022

Sponsored by Representatives GREENLICK, TOMEI, Senator ROSENBAUM; Representatives BARNHART, BENTZ, BERGER, COWAN, D EDWARDS, ESQUIVEL, FREEMAN, GARRARD, GELSER, GILLIAM, HOLVEY, HUFFMAN, JENSON, KENNEMER, KOTEK, KRIEGER, MAURER, NATHANSON, OLSON, SCHAUFLER, SHIELDS, THOMPSON, Senators BONAMICI, DINGFELDER, MONNES ANDERSON, MORRISETTE, TELFER, VERGER, WALKER

CHAPTER .....

AN ACT

Relating to treatment of sexually transmitted diseases; creating new provisions; and amending ORS 689.505.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "Expedited partner therapy" means the practice of prescribing or dispensing antibiotic drugs for the treatment of a sexually transmitted disease to the partner of a patient without first examining the partner of the patient.

(b) "Partner of a patient" means a person whom a patient diagnosed with a sexually transmitted disease identifies as a sexual partner of the patient.

(c) "Practitioner" has the meaning given that term in ORS 475.005.

(2) A health professional regulatory board, as defined in ORS 676.160, may adopt rules permitting practitioners to practice expedited partner therapy. If a board adopts rules permitting practitioners to practice expedited partner therapy, the board shall consult with the Department of Human Services to determine which sexually transmitted diseases are appropriately addressed with expedited partner therapy.

(3) A prescription issued in the practice of expedited partner therapy authorized by the rules of a board is valid even if the name of the patient for whom the prescription is intended is not on the prescription.

(4) The department shall make available informational material about expedited partner therapy that a practitioner may distribute to patients.

SECTION 2. ORS 689.505 is amended to read:

689.505. (1)(a) Except as specifically provided by law, no person shall distribute or dispense any drug without affixing to the authorized container a clear and legible label, either printed or written, bearing the name of the drug and the name and place of business of the person distributing or dispensing the drug, and any other information required by state law or rules or federal law or regulations under whose supervision the drug is delivered or dispensed.

(b) Labeling requirements regarding any drug may be changed or exemption therefrom granted by the State Board of Pharmacy in the form of a special permit if the board determines that a change or exemption is in the best interest of public health and safety.

(2)(a) No manufacturer or wholesaler subject to ORS 689.305 shall sell or otherwise distribute, or offer to sell or otherwise distribute, any drug for use in a:

(A) Parcel, package or container not bearing a label specifying the name, active ingredients or contents, quality and quantity of the drug.

(B) Misbranded parcel, package or container.

(b) A parcel, package or container is misbranded:

(A) If its labeling is false or misleading in any particular.

(B) Unless it bears a label containing the name and business address of the manufacturer, packer, distributor or wholesaler, and an accurate statement of the quantity of the drug in terms of weight, measure or numerical count, exclusive of wrappers, cartons, containers or other materials packed with such drug.

(C) In case it contains controlled substances which the board finds and by rule designates after reasonable notice and opportunity for hearing to be habit forming, unless it bears the statement "Warning--May Be Habit Forming."

(D) Unless it bears a label with adequate directions for the safe use of the drug for specified conditions, and adequate warning against use in those pathological conditions or by children where such use may be dangerous to the health or welfare of a user.

(E) Unless it bears a label with true representations of the intended uses of the drug and no false claims or representations are made of the drug in accompanying literature or advertising.

(3) This section does not apply to parcels, packages or containers containing:

(a) Drugs prepared and packaged solely for use by a pharmacist in compounding prescriptions or for dispensing in dosage unit form upon a prescription, except that such parcels, packages or containers must bear the name and business address of the manufacturer and, if different, the name and business address of the distributor of the drug, and the legend "Caution: Federal Law Prohibits Dispensing Without Prescription" or an equivalent legend.

(b) Drugs intended solely for use in the professional diagnosis of disease, except that such parcels, packages or containers shall bear the statement "Diagnostic Reagent--For Professional Use Only."

(c) Coloring agents, emulsifiers, excipients, flavorings, lubricants, preservatives and other like inactive ingredients used in the manufacture of drugs.

(4) The board shall by rule exempt from any labeling or packaging requirement of this section drugs which are, in accordance with the practice of the trade, to be processed, labeled or repacked in substantial quantities at establishments other than those where originally processed or packed. However, such drugs must not be adulterated or misbranded upon removal from such processing, labeling or repacking establishment.

(5) A pharmacist or pharmacy intern shall not dispense, on the prescription of a practitioner, any drug without affixing to the container thereof a clear and legible label. The label may be printed or written. Except as provided in subsection (6) of this section, the pharmacist or pharmacy intern shall state or cause to be stated on the label the following:

(a) The name of the drug. If the dispensed drug does not have a brand name, the prescription label shall indicate the generic name of the drug dispensed along with the name of the drug distributor or manufacturer, its quantity per unit and the directions for its use stated in the prescription. However, if the drug is a compound, the quantity per unit need not be stated[*;*]**.**

(b) The name of the practitioner prescribing the drug[*;*]**.**

(c) The name and place of business of the pharmacist or the name and place of business of the pharmacy for which the pharmacist or pharmacy intern is acting[*;*]**.**

(d) The name of the patient[*; and*]**, unless the drug is prescribed to a partner of a patient as defined in section 1 of this 2009 Act in accordance with rules adopted under section 1 of this 2009 Act authorizing the practice of expedited partner therapy.**

(e) When applicable and as determined by the State Board of Pharmacy, an expiration date after which the patient should not use the drug.

(6) If the prescribing practitioner so directs, the prescription label shall not state the name and quantity per unit of the drug.

(7) The State Board of Pharmacy shall determine those drugs which must bear an expiration date under subsection (5)(e) of this section.

(8) As used in this section, "compound" means a drug containing two or more medically active ingredients.

(9) No person shall deliver or dispense any drug for use by the ultimate consumer without labeling the drug container as required in this section.

(10) In addition to the labeling requirements imposed by subsections (1) to (9) of this section, the board may impose by rule requirements for drug code imprints on solid dose legend drugs.

Passed by House April 27, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate May 29, 2009

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President of Senate

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State