

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1055

2007 HOUSE HUMAN SERVICES

HB 1055

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1055

House Human Services Committee

Check here for Conference Committee

Hearing Date: 01/09/2007

Recorder Job Number: 780

Committee Clerk Signature

*Judy Schock*

Minutes:

**Chairman Price:** Calling the session to order and opening HB1055 for testimony.

**Howard Anderson, Executive Director of ND State Board of Pharmacy:** See attached. I

have also passed out proposed amendments to fix mistakes made when I drafted the bill, as attached.

**Chairman Price:** Are there any street names we would recognize?

**Mr. Anderson:** We use chemical names, plus street people often inter mix them.

**Chairman Price:** Any more testimony in favor? Anyone having opposition to HB1055?

Hearing none we will close HB1055.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1055

House Human Services Committee

Check here for Conference Committee

Hearing Date: 01-09-2007

Recorder Job Number: 783

Committee Clerk Signature

*Judy Schock*

Minutes:

**Chairman Price:** Let's look at HB 1055.

Representative Porter: I think to get things moving, I would move the Board of Pharmacy's proposed amendments. Representative Kaldor: I second the motion.

Representative Conrad: I make a motion for a due pass of amendments on HB 1055.

Representative Uglem: I second the motion.

**House Amendments to HB 1055 (78054.0101) - Human Services Committee 01/10/2007**

Page 5; line 1, remove "Glutethimide."

Page 5, line 2, remove "k."

Page 5, line 3, replace "l. Levo-alphaaethylmethado" with "k. Levo-alphaaethylmethadol"

Page 5, line 4, replace "m." with "l."

Page 5, line 5, replace "n." with "m."

Page 5, line 6, replace "o." with "n."

Page 5, line 7, replace "p." with "o."

Page 5, line 8, replace "q." with "p."

Page 5, line 9, replace "r." with "q."

Page 5, line 11, replace "s." with "r."

Page 5, line 12, replace "t." with "s."

Page 5, line 13, replace "u." with "t."

Page 5, line 14, replace "v." with "u."

Page 5, line 15, replace "w." with "v."

Page 5, line 16, replace "x." with "w."

Page 5, line 17, replace "y." with "x."

Page 5, line 18, replace "z." with "y."

Page 5, line 19, replace "aa." with "z."

Page 5, line 20, replace "bb." with "aa."

Page 5, after line 27, insert:

"b. Glutethimide."

Page 5, line 28, overstrike "b." and insert immediately thereafter "c.", remove the overstrike over "~~Pentobarbital~~", and remove "Glutethimide"

Page 5, line 29, after "e-" insert "d." and remove the overstrike over "~~Phenoylidine.~~"

Page 5, line 30, after "e-" insert "e." and remove the overstrike over "~~Secobarbital.~~"

**House Amendments to HB 1055 (78054.0101) - Human Services Committee 01/10/2007**

Page 7, line 27, remove "g." and overstrike "Glutethimide."

Page 7, line 28, replace "h." with "g."

Page 7, line 29, replace "i." with "h."

Page 7, line 30, replace "j." with "i."

Page 7, line 31, replace "k." with "j."

**House Amendments to HB 1055 (78054.0101) - Human Services Committee 01/10/2007**

Page 8, line 1, replace "l." with "k."

Page 8, line 2, replace "m." with "l."

Page 8, line 3, replace "n." with "m."

Page 8, line 4, replace "o." with "n."

**House Amendments to HB 1055 (78054.0101) - Human Services Committee 01/10/2007**

- Page 13, line 6, remove the overstrike over "~~m. Cloxazolam.~~"
- Page 13, line 7, remove the overstrike over "~~n.~~" and remove "m."
- Page 13, line 8, remove the overstrike over "~~o.~~" and remove "n."
- Page 13, line 9, remove the overstrike over "~~p.~~" and remove "o."
- Page 13, line 10, remove the overstrike over "~~q.~~" and remove "p."
- Page 13, line 11, remove the overstrike over "~~r.~~" and remove "q."
- Page 13, line 12, remove the overstrike over "~~s.~~" and remove "r."
- Page 13, line 13, remove the overstrike over "~~t.~~" and remove "s."
- Page 13, line 14, remove the overstrike over "~~u.~~" and remove "t."
- Page 13, line 15, remove the overstrike over "~~v.~~" and remove "u."
- Page 13, line 16, remove the overstrike over "~~w.~~" and remove "v."
- Page 13, line 17, remove the overstrike over "~~x.~~" and remove "w."
- Page 13, line 18, remove the overstrike over "~~y.~~" and remove "x."
- Page 13, line 19, remove the overstrike over "~~z.~~" and remove "y."
- Page 13, line 20, remove the overstrike over "~~aa.~~" and remove "z."
- Page 13, line 21, remove the overstrike over "~~bb.~~" and remove "aa."
- Page 13, line 22, remove the overstrike over "~~cc.~~" and remove "bb."
- Page 13, line 23, remove the overstrike over "~~dd.~~" and remove "cc."
- Page 13, line 24, remove the overstrike over "~~ee.~~" and remove "dd."
- Page 13, line 25, remove the overstrike over "~~ff.~~" and remove "ee."
- Page 13, line 26, remove the overstrike over "~~gg.~~" and remove "ff."
- Page 13, line 27, remove the overstrike over "~~hh.~~" and remove "gg."
- Page 13, line 28, remove the overstrike over "~~ii.~~" and remove "hh."
- Page 13, line 29, remove the overstrike over "~~jj.~~" and remove "ii."
- Page 13, line 30, remove the overstrike over "~~kk.~~" and remove "jj."
- Page 13, line 31, remove the overstrike over "~~ll.~~" and remove "kk."

**House Amendments to HB 1055 (78054.0101) - Human Services Committee 01/10/2007**

Page 14, line 1, remove the overstrike over "~~mm.~~" and remove "ll."

Page 14, line 2, remove the overstrike over "~~nn.~~" and remove "mm."

Page 14, line 3, remove the overstrike over "~~oo.~~" and remove "nn."

Page 14, line 4, remove the overstrike over "~~pp.~~" and remove "oo."

Page 14, line 5, remove the overstrike over "~~qq.~~" and remove "pp."

Page 14, line 6, remove the overstrike over "~~rr.~~" and remove "qq."

Page 14, line 7, remove the overstrike over "~~ss.~~" and remove "rr."

Page 14, line 9, replace "ss." with "tt."

Page 14, line 10, replace "tt." with "uu."

Page 14, line 11, replace "uu." with "vv."

Page 14, line 12, replace "vv." with "ww."

Page 14, line 13, replace "ww." with "xx."

Page 14, line 14, replace "xx." with "yy."

**House Amendments to HB 1055 (78054.0101) - Human Services Committee 01/10/2007**

Page 16, line 2, remove "2782"

Renumber accordingly





Date: 4/10/08  
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES HB 1055 Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken As passed as amended

Motion Made By Rep Conrad Seconded By Rep Uglem

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Kari L Conrad	✓	
Vonnie Pietsch - Vice Chairman	✓		Lee Kaldor	✓	
Chuck Damschen	✓		Louise Potter	✓	
Patrick R. Hatlestad	✓		Jasper Schneider	✓	
Curt Hofstad	✓				
Todd Porter	✓				
Gerry Uglem	✓				
Robin Weisz	✓				

Total (Yes) 12 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 0

Floor Assignment Rep. Hofstad -

If the vote is on an amendment, briefly indicate intent:

1055-2

REPORT OF STANDING COMMITTEE

HB 1055: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1055 was placed on the Sixth order on the calendar.

Page 5, line 1, remove "Glutethimide."

Page 5, line 2, remove "k."

Page 5, line 3, replace "l. Levo-alphaethylmethado" with "k. Levo-alphaethylmethadol"

Page 5, line 4, replace "m." with "l."

Page 5, line 5, replace "n." with "m."

Page 5, line 6, replace "o." with "n."

Page 5, line 7, replace "p." with "o."

Page 5, line 8, replace "q." with "p."

Page 5, line 9, replace "r." with "q."

Page 5, line 11, replace "s." with "r."

Page 5, line 12, replace "t." with "s."

Page 5, line 13, replace "u." with "t."

Page 5, line 14, replace "v." with "u."

Page 5, line 15, replace "w." with "v."

Page 5, line 16, replace "x." with "w."

Page 5, line 17, replace "y." with "x."

Page 5, line 18, replace "z." with "y."

Page 5, line 19, replace "aa." with "z."

Page 5, line 20, replace "bb." with "aa."

Page 5, after line 27, insert:

"b. Glutethimide."

Page 5, line 28, overstrike "b." and insert immediately thereafter "c.", remove the overstrike over "~~Pentobarbital~~", and remove "Glutethimide"

Page 5, line 29, after "e-" insert "d." and remove the overstrike over "~~Phenyletidine-~~"

Page 5, line 30, after "d-" insert "e." and remove the overstrike over "~~Secobarbital-~~"

Page 7, line 27, remove "g." and overstrike "Glutethimide."

Page 7, line 28, replace "h." with "g."

Page 7, line 29, replace "i." with "h."

Page 7, line 30, replace "j." with "i."

Page 7, line 31, replace "k." with "j."

Page 8, line 1, replace "l." with "k."

Page 8, line 2, replace "m." with "l."

Page 8, line 3, replace "n." with "m."

Page 8, line 4, replace "o." with "n."

Page 13, line 6, remove the overstrike over "~~m.~~Gloxazolam."

Page 13, line 7, remove the overstrike over "~~n.~~" and remove "m."

Page 13, line 8, remove the overstrike over "~~o.~~" and remove "n."

Page 13, line 9, remove the overstrike over "~~p.~~" and remove "o."

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Page 13, line 20, remove the overstrike over "~~aa.~~" and remove "z."

Page 13, line 21, remove the overstrike over "~~bb.~~" and remove "aa."

Page 13, line 22, remove the overstrike over "~~cc.~~" and remove "bb."

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Page 14, line 2, remove the overstrike over "~~nn~~." and remove "mm."

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Page 14, line 12, replace "vv." with "ww."

Page 14, line 13, replace "ww." with "xx."

Page 14, line 14, replace "xx." with "yy."

Page 16, line 2, remove "2782"

Renumber accordingly

2007 SENATE JUDICIARY

HB 1055

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1055**

## Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: March 7, 2007

Recorder Job Number: 4589

Committee Clerk Signature

*Maurice L. Solberg*

**Minutes:** Relating to ND Century Code relating to controlled substances.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present except for Sen. Olafson. The hearing opened with the following hearing:

### Testimony in Favor of the Bill:

**Howard Anderson Jr.**, Executive Dir. Board of Pharmacy introduced and reviewed the bill – Att. #1. On page 17 line 16, we used to cross check prescriptions by calling the Doctors office we were able to catch fraud. The state required it but Federal Law did not. The process was time consuming and pharmacist are filling more prescriptions then they have time for

**Sen. Lyson** asked stated that he is not worried what the pharmacists think. Mr. Anderson spoke of the process at there annual meetings it a 2/3rds vote to not do this. The bordering states do not require this process.

**Sen. Marcellais** asked questions in regards to Canada and the importation of prescriptions. They discussed this in detail.

### Testimony Against the bill:

None

**Testimony Neutral to the bill:**

None

**Senator David Nething**, Chairman closed the hearing.



## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1055

### Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: March 12, 2007

Recorder Job Number: 4881

Committee Clerk Signature *Maria L. Alberg*

**Minutes:** Relating to ND Century Code relating to controlled substances.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

The committee spoke to no amendments being brought forth before the committee.

**Sen. Nelson** made the motion to Do Pass HB 1055 and **Sen. Marcellais** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Lyson**

**Senator David Nething**, Chairman closed the hearing.



**REPORT OF STANDING COMMITTEE (410)**  
March 12, 2007 2:18 p.m.

**Module No: SR-46-5024**  
**Carrier: Nelson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1055, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1055 was placed on the Fourteenth order on the calendar.**

2007 TESTIMONY

HB 1055



**BOARD OF PHARMACY**  
State of North Dakota

John Hoeven, Governor

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Bonnie J. Thom, R.Ph.  
Granville, President  
Gary W. Dewhirst, R.Ph.  
Hettinger, Senior Member  
Dewey Schlittenhard, MBA, R.Ph.  
Bismarck  
Rick L. Detwiller, R.Ph.  
Bismarck  
Laurel Haroldson, R.Ph.  
Jamestown  
William J. Grosz, Sc.D., R.Ph.  
Wahpeton, Treasurer

**TESTIMONY ON HOUSE BILL No. 1055  
CONTROLLED SUBSTANCES RESCHEDULING**

**HOUSE HUMAN SERVICES COMMITTEE  
8:00 AM - FORT UNION ROOM - TUESDAY- JANUARY 9<sup>TH</sup>, 2007**

Chairman Price and members of the House Human Services Committee, for the record I am Howard C. Anderson, Jr, R.Ph, Executive Director of the North Dakota State Board of Pharmacy. Thank you for the opportunity to speak with you today.

This Bill is one that comes to you periodically to reschedule those new drugs, or in a few cases drugs that have been moved from one of the federal controlled substances schedules to the next. This rescheduling keeps our law consistent with the federal law in almost all cases, and allows our law enforcement agencies to charge offenders using these drugs illegally with consistency between state and federal laws.

The rescheduling or scheduling uses chemical names, which most of you will not be familiar with, so please do not be afraid to ask questions, if I do not know the answer, I will find it for you.

On page 1, line 19, we have the first addition to Schedule I of the Hallucinogenic Substances. Schedule I are those drugs that have been identified, but have no accepted medical use in the United States. We also have new listings on page 2 line 4 and 22 under this category. There is also one new listing in Schedule I under the category of Stimulants on page 4, line 11.

If you go to page 5 we are now under Schedule II of the Controlled Substances Act, which includes drugs approved for human use, but in the highest schedule for addiction potential. Here we see on line one Glutethimide, which should be on line 28. It has been moved from Schedule III to Schedule II in our laws to match the federal schedule. On line 3 we see Levo-alphaethylmethadol (LAAM) which is one of the drugs sometimes used in registered narcotic treatment programs to detoxify or maintain patients who are heroin addicts. There should be an l at the end of that word, and I have prepared an amendment to correct this, as well as to remove line 1 Glutethimide, which is correctly depicted on line 28. Also, an amendment corrects the erroneous elimination of the Pentobarbital, Phencyclidine and Secobarbital on lines 28, 29 and 30, which should not have been crossed out, just moved down.

On page 7, line 19 you will see we crossed off Buprenorphine, because it has been moved to be more properly listed under narcotic drugs, rather than depressants. On Line 24 we have added a new drug Embutramide and on line 27 in my amendment, to cross off and move Glutethimide to it's appropriate location under Schedule II.

On page 9, line 11 Buprenorphine has been added, this is the drug now available to treat withdrawal or narcotics maintenance in some physician offices and the out-patient setting. It previously had been available as a pain medication.

Under Anabolic Steroids starting on page 9 line 12, you will see there have been many additions to this list. This is in response to all of the drugs which have been developed over the last few years, many of them to treat legitimate conditions, but unfortunately now used illegitimately as well. Some of the deletions, for example, on line 27, are because the drug has been more completely described on another line. This is also true of line 17 and 19 on page 10.

On page 12, line 6 you will see the inclusion of Dronabinol which is the FDA version of the active ingredient in marijuana. Also on page 12, line 28, my amendment will cross off or delete Butorphanol, as that has been included in a different schedule.

On page 13, line 6, my amendment will correct the cross through on Cloxazepam, which is an error.

On page 14, line 8 Sibutramine is crossed out as it has been moved to the appropriate area of Stimulants on line 29.

On the bottom of page 15, line 28 you will see the addition of the definition for Depressants under schedule V. On page 16, line 1 Pregabalin has been added to this classification, which previously had no drugs listed in schedule V. Although my amendment will eliminate the 2782 at the end of the sentence, which is actually the federal designated number for that controlled substance and is not applicable to the North Dakota schedule.

On page 17, I would like to discuss with you a bit about the changes we are suggesting. On line 2, we have added a limit to the time a Schedule II controlled substance can be filled. Originally when DEA began scheduling Schedule II controlled substances, no one had envisioned that anyone might need to hold narcotic prescriptions, which at that time were the only drugs in Schedule II. Since then many drugs to treat attention deficit disorders have been added to Schedule II and physicians not wishing to see patients on a

monthly basis, where writing more than one prescription at a time and saying "fill on April 1<sup>st</sup>", "fill on May 1<sup>st</sup>" - "fill on June 1<sup>st</sup>". Recently DEA has gone back and forth in their rules, first allowing the practice, then disallowing it and now allowing it again under a more limited usage. Since the length of time a schedule III - IV or V prescription is good is only six months, it seems reasonable to limit a Schedule II prescription to the same time period. Of course the other three schedules can be refilled up to six months and with Schedule II there is no refilling allowed.

Beginning on line 16 and again on line 27 we are proposing to eliminate the requirement that was unique to North Dakota in that a prescription called in by a physician needed to be sent to that physician for his actual signature and returned within seven days. This was originally designed to give the physician a cross-check and to be sure that they had prescribed the drug and also for the pharmacy and pharmacy inspector to have hard evidence, that is the physician's signature, that this was an appropriate prescription. Other states do not require this, and physicians and pharmacists have asked us to eliminate this requirement. Eliminating this will streamline both pharmacy and physician operations a little bit.

Thank you. I have passed out copies of the proposed amendments to fix the mistakes made when I drafted this bill in the first place. I would also like to point out that none of these mistakes were the fault Legislative Council, they were all mine and I do apologize for the inconvenience.

### AMDENMENT TO HOUSE BILL No. 1055

On page 5, line 1, remove Glutethimide and renumber the balance of the section accordingly.

On page 5, line 3, correct the spelling by adding an l at the end, so this reads Levo-alphaethylmethadol (LAAM).

On page 5, line 28, line 29, line 30; add Glutethimide as b., but leave Pentobarbital, Phencyclidine and Secobarbital by removing the strikethrough and renumbering them accordingly. c would be Pentobarbital; d. would be Phencyclidine; e. Secobarbital. These items were erroneously crossed out.

On page 7, line 27 strikethrough Glutethimide and renumber the remaining items in the section accordingly, as Glutethimide has been moved to another area.

On page 13, line 6 remove the strikethrough on Cloxazolam, as this is actually correct and should not have been deleted, and renumber the following items accordingly.

On page 16, line 2 remove 2782 at the end of this line, which is actually the Federal designation for this drug and has no applicability in North Dakota Law.





**BOARD OF PHARMACY**  
State of North Dakota

John Hoeven, Governor

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HH #1  
3-7-07

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Gary W. Dewhirst, R.Ph.  
Hettinger, Senior Member  
Dewey Schlittenhard, MBA, R.Ph.  
Bismarck  
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Bismarck  
Laurel Haroldson, R.Ph.  
Jamestown  
William J. Grosz, Sc.D., R.Ph.  
Wahpeton, Treasurer

**TESTIMONY ON HOUSE BILL No. 1055  
CONTROLLED SUBSTANCES RESCHEDULING**

**SENATE JUDICIARY COMMITTEE**

**10:30 AM - FORT LINCOLN ROOM - WEDNESDAY- MARCH 7TH, 2007**

Chairman Nething and members of the Senate Judiciary Committee, for the record I am Howard C. Anderson, Jr, R.Ph, Executive Director of the North Dakota State Board of Pharmacy. Thank you for the opportunity to speak with you today.

This Bill is one that comes to you periodically to reschedule those new drugs, or in a few cases drugs that have been moved from one of the federal controlled substances schedules to the next. This rescheduling keeps our law consistent with the federal law in almost all cases, and allows our law enforcement agencies to charge offenders using these drugs illegally with consistency between state and federal laws.

The rescheduling or scheduling uses chemical names, which most of you will not be familiar with, so please do not be afraid to ask questions, if I do not know the answer, I will find it for you.

On page 1, line 19, we have the first addition to Schedule I of the Hallucinogenic Substances. Schedule I are those drugs that have been identified, but have no accepted medical use in the United States. We also have new listings on page 2 line 4 and 22 under this category. There is also one new listing in Schedule I under the category of Stimulants on page 4, line 11.

If you go to page 5 we are now under Schedule II of the Controlled Substances Act, which includes drugs approved for human use, but in the highest schedule for addiction potential. On line 2 we see Levo-alphaethylmethadol (LAAM) which is one of the drugs sometimes used in registered narcotic treatment programs to detoxify or maintain patients who are heroin addicts. Here we see on line 28 Glutethimide, which has been moved from Schedule III to Schedule II in our laws to match the federal schedule.

On page 7, line 19 you will see we crossed off Buprenorphine, because it has been moved to be more properly listed under narcotic drugs, on page 9 line 11, rather than depressants. On Line 24 we have added a new drug Embutramide and on line 27 we have crossed off and moved Glutethimide to it's appropriate location under Schedule II.

On page 9, line 11 Buprenorphine has been added as mentioned above, this is the drug now available to treat withdrawal or narcotics maintenance in some physician offices and the out-patient setting. It previously had been available as a pain medication.

Under Anabolic Steroids starting on page 9 line 15, you will see there have been many additions to this list. This is in response to all of the drugs which have been developed over the last few years, many of them to treat legitimate conditions, but unfortunately now used illegitimately as well. Some of the deletions, for example, on line 27, are because the drug has been more completely described on another line. This is also true of line 17 and 19 on page 10.

On page 12, line 6 you will see the inclusion of Dronabinol which is the FDA version of the active ingredient in marijuana.

On page 14, line 8 Sibutramine is crossed out as it has been moved to the appropriate area of Stimulants on line 29.

On the bottom of page 15, line 28 you will see the addition of the definition for Depressants under schedule V. On page 16, line 1 Pregabalin has been added to this classification, which previously had no drugs listed in schedule V.

On page 16, line 9 through 24, we have added some requirements to report to the Board of Pharmacy the theft or loss of controlled substances. Most of our pharmacies do make this report now, but at this time, there is no requirement in our law. Additionally, many pharmacies are uncertain about the details of this requirement. The pharmacies are now required to report to the Drug Enforcement Administration (DEA) within one business day of a theft or loss of a controlled substance, placing this identical information in our law and requiring reporting to the Board, will make it much easier for our pharmacists to locate the proper requirements and complete this report, thus keeping themselves out of trouble with the DEA and providing the Board of Pharmacy with necessary information on what is happening in our pharmacies. This is the same information that is required by DEA and will not duplicate the necessary steps that the pharmacy must currently take, except to fax the information to our Board Office.

On page 17, I would like to discuss with you a bit about the changes we are suggesting. On line 2, we have added a limit to the time a Schedule II controlled substance can be filled. Originally when DEA began scheduling Schedule II controlled substances, no one had envisioned that anyone might need to hold narcotic prescriptions, which at that time were the only drugs in Schedule II. Since then many drugs to treat attention deficit disorders have been added to Schedule II and physicians not wishing to see patients on a

