

Prescription Drug Labels: Purpose of Drug

This Act specifies that prescription labels must include information concerning the purpose for which a drug is being prescribed if a patient requests that information. It also specifies that a pharmacist may fill a prescription even if the information is not provided, without having to contact the practitioner or patient. Physicians, podiatrists, dentists, optometrists, advance practice nurses and physician assistants would be required to inform patients of the option to have this information included on the prescription label, but failure to do so would not result in any disciplinary action against the practitioner's professional license.

Submitted as:

Colorado

Chapter 78 of 2003

Status: Enacted into law in 2003.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as “An Act Requiring Certain Information
2 on Prescription Drug Labels.”

3
4 Section 2. [*Definition.*] As used in this Act, “Order” means a prescription order which is
5 any order, other than a chart order, authorizing the dispensing of a single drug or device that is
6 written, mechanically produced, computer generated and signed by the practitioner, transmitted
7 electronically or by facsimile, or produced by other means of communication by a practitioner
8 and that includes the name or identification of the patient, the date, the symptom or purpose for
9 which the drug is being prescribed, if included by the practitioner at the patient's authorization,
10 and sufficient information for compounding, dispensing, and labeling.

11
12 Section 3. [*Prescription Drug Labeling.*]

13 (A) A prescription drug dispensed pursuant to an order as defined in this Act must be
14 labeled as follows:

15 (1) If the prescription is for an anabolic steroid, the purpose for which the
16 Anabolic steroid is being prescribed shall appear on the label.

17 (2) If the prescription is for any drug other than an anabolic steroid, the symptom
18 or purpose for which the drug is being prescribed shall appear on the label, if, after being
19 advised by the practitioner, the patient or the patient's authorized representative so requests.

20 (B) If the symptom or purpose for which a drug is being prescribed is not provided by the
21 practitioner, the pharmacist may fill the prescription order without contacting the practitioner,
22 patient, or the patient's representative, unless the prescription is for an anabolic steroid.

23
24 Section 4. [*Prescriptions - Requirement to Advise Patients.*]

25 (A) Physicians or Physician Assistants:

26 (1) A physician licensed under [insert citation], or a physician assistant licensed
27 under [insert citation] and who has been delegated the authority to prescribe medication, may
28 advise the physician's or the physician assistant's patients of their option to have the symptom
29 or purpose for which a prescription is being issued included on a prescription order.

30 (2) A physician's or a physician assistant's failure to advise a patient under
31 subsection (A)(1) of this section shall not be grounds for any disciplinary action against the
32 physician's or the physician assistant's professional license.

33 (3) Failure to advise a patient pursuant to subsection (1) of this section shall not
34 be grounds for any civil action against a physician or physician's assistant in a negligence or tort
35 action, nor shall such failure be evidence in any civil action against a physician or a physician's
36 assistant.

37 (B) Podiatrists:

38 (1) A podiatrist licensed under [insert citation] may advise the podiatrist's
39 patients of their option to have the symptom or purpose for which a prescription is being issued
40 included on the prescription order.

41 (2) A podiatrist's failure to advise a patient under subsection (B)(1) of this
42 section shall not be grounds for any disciplinary action against the podiatrist's professional
43 license.

44 (3) Failure to advise a patient pursuant to subsection (B)(1) of this section shall
45 not be grounds for any civil action against a podiatrist in a negligence or tort action, nor shall
46 such failure be evidence in any civil action against a podiatrist.

47 (C) Dentists:

48 (1) A dentist licensed under [insert citation] has the right to prescribe such drugs
49 or medicine, perform such surgical operations, administer such general or local anesthetics, and
50 use such appliances as may be necessary to the proper practice of dentistry. A dentist shall not
51 prescribe, distribute, or give to a family member or himself or herself any habit-forming drug, as
52 defined in [insert citation], or any controlled substance, as defined in [insert citation], other than
53 in the course of legitimate dental practice and pursuant to the rules promulgated by the [state
54 board of dentistry] regarding controlled substance record keeping.

55 (2) A dentist licensed under [insert citation] may advise the dentist's patients of
56 their option to have the symptom or purpose for which a prescription is being issued included on
57 the prescription order.

58 (3) A dentist's failure to advise a patient under subsection (C)(2) of this section
59 shall not be grounds for any disciplinary action against the dentist's professional license.

60 (4) Failure to advise a patient pursuant to subsection (C)(2) of this section shall
61 not be grounds for any civil action against a dentist in a negligence or tort action, nor shall such
62 failure be evidence in any civil action against a dentist.

63 (D) Advance Practice Nurses:

64 (1) An advanced practice nurse who has been granted authority to prescribe
65 prescription drugs and controlled substances under [insert citation] may advise the nurse's
66 patients of their option to have the symptom or purpose for which a prescription is being issued
67 included on the prescription order.

68 (2) A nurse's failure to advise a patient under subsection (D)(1) of this section
69 shall not be grounds for any disciplinary action against the nurse's professional license.

70 (3) Failure to advise a patient pursuant to subparagraph (D)(1) of this section
71 shall not be grounds for any civil action against a nurse in a negligence or tort action, nor shall
72 such failure be evidence in any civil action against a nurse.

73 (E) Optometrists:

74 (1) An optometrist licensed under [insert citation] may advise the optometrist's
75 patients of their option to have the symptom or purpose for which a prescription is being issued
76 included on the prescription order.

77 (2) An optometrist's failure to advise a patient under subsection (E)(1) of this
78 section shall not be grounds for any disciplinary action against the optometrist's professional
79 license.

80

81 Section 5. [*Severability.*] [Insert severability clause.]

82

83 Section 6. [*Repealer.*] [Insert repealer clause.]

84

85 Section 7. [*Effective Date.*] [Insert effective date.]