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.)

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

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

Section 3. [Prescription Drug Labeling.]

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

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

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

Section 4. [Prescriptions - Requirement to Advise Patients.]

(A) Physicians or Physician Assistants:

(1) A physician licensed under [insert citation], or a physician assistant licensed under [insert citation] and who has been delegated the authority to prescribe medication, may advise the physician’s or the physician assistant’s patients of their option to have the symptom or purpose for which a prescription is being issued included on a prescription order.
A physician’s or a physician assistant’s failure to advise a patient under subsection (A)(1) of this section shall not be grounds for any disciplinary action against the physician’s or the physician assistant’s professional license.

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

(B) Podiatrists:

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

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

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

(C) Dentists:

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

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

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

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

(D) Advance Practice Nurses:

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

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

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

(E) Optometrists:

(1) An optometrist licensed under [insert citation] may advise the optometrist's patients of their option to have the symptom or purpose for which a prescription is being issued included on the prescription order.
(2) An optometrist’s failure to advise a patient under subsection (E)(1) of this section shall not be grounds for any disciplinary action against the optometrist's professional license.

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

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

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