

SENATE BILL NO. 310

INTRODUCED BY YELLOWTAIL, CRIPPEN, MAZUREK, TOWE,  
WATERMAN, GERVAIS, MESSMORE, RUSSELL, THAYER

IN THE SENATE

FEBRUARY 7, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FEBRUARY 8, 1991                   FIRST READING.

FEBRUARY 16, 1991                  COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 18, 1991                  PRINTING REPORT.

FEBRUARY 19, 1991                  SECOND READING, DO PASS.

FEBRUARY 20, 1991                  ENGROSSING REPORT.

THIRD READING, PASSED.  
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HUMAN SERVICES & AGING.

FIRST READING.

MARCH 15, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 16, 1991                   SECOND READING, CONCURRED IN.

MARCH 18, 1991                   THIRD READING, CONCURRED IN.  
AYES, 91; NOES, 8.

RETURNED TO SENATE.

IN THE SENATE

MARCH 19, 1991                   RECEIVED FROM HOUSE.

SENT TO ENROLLING.

MARCH 22, 1991                   REPORTED CORRECTLY ENROLLED.

SIGNED BY PRESIDENT.

MARCH 23, 1991

SIGNED BY SPEAKER.

MARCH 25, 1991

DELIVERED TO GOVERNOR.

MARCH 29, 1991

RETURNED FROM GOVERNOR WITH  
RECOMMENDED AMENDMENTS.

APRIL 4, 1991

SECOND READING, GOVERNOR'S  
AMENDMENTS CONCURRED IN.

APRIL 5, 1991

THIRD READING, GOVERNOR'S  
AMENDMENTS CONCURRED IN.

IN THE HOUSE

APRIL 8, 1991

SECOND READING, GOVERNOR'S  
AMENDMENTS CONCURRED IN.

APRIL 9, 1991

THIRD READING, GOVERNOR'S  
AMENDMENTS CONCURRED IN.

IN THE SENATE

APRIL 10, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *310*  
 2 INTRODUCED BY *Yellowtail*  
 3 *Major Water* *Gender* *Messmore*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CONTRACT  
 5 PHYSICIANS AT URBAN INDIAN CLINICS TO DISPENSE DRUGS; AND  
 6 AMENDING SECTION 37-2-104, MCA."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 37-2-104, MCA, is amended to read:

10 "37-2-104. Dispensing of drugs by medical practitioners  
 11 unlawful -- exceptions. (1) Except as otherwise provided by  
 12 this section, it is unlawful for a medical practitioner to  
 13 engage, directly or indirectly, in the dispensing of drugs.

14 (2) Nothing in this section prohibits:

15 (a) a medical practitioner from furnishing a patient  
 16 any drug in an emergency;

17 (b) the administration of a unit dose of a drug to a  
 18 patient by or under the supervision of a medical  
 19 practitioner;

20 (c) dispensing a drug to a patient by a medical  
 21 practitioner whenever there is no community pharmacy  
 22 available to the patient;

23 (d) the dispensing of drugs occasionally, but not as a  
 24 usual course of doing business, by a medical practitioner;

25 (e) a medical practitioner from dispensing drug

1 samples;  
 2 (f) the dispensing of factory prepackaged oral  
 3 contraceptives by a registered nurse employed by a family  
 4 planning clinic under contract with the department of health  
 5 and environmental sciences if the dispensing is in  
 6 accordance with:  
 7 (i) a physician's written protocol specifying the  
 8 circumstances under which dispensing is appropriate; and  
 9 (ii) the drug labeling, storage, and recordkeeping  
 10 requirements of the board of pharmacy;  
 11 (g) a contract physician at an urban Indian clinic from  
 12 dispensing drugs to qualified patients of the clinic."

-End-

APPROVED BY COMMITTEE  
ON PUBLIC HEALTH, WELFARE  
& SAFETY

*Senate* BILL NO. *310*  
*Yellowstone*  
*Missoula*

1  
2 INTRODUCED BY  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CONTRACT  
5 PHYSICIANS AT URBAN INDIAN CLINICS TO DISPENSE DRUGS; AND  
6 AMENDING SECTION 37-2-104, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 37-2-104, MCA, is amended to read:  
10 "37-2-104. Dispensing of drugs by medical practitioners  
11 unlawful -- exceptions. (1) Except as otherwise provided by  
12 this section, it is unlawful for a medical practitioner to  
13 engage, directly or indirectly, in the dispensing of drugs.  
14 (2) Nothing in this section prohibits:  
15 (a) a medical practitioner from furnishing a patient  
16 any drug in an emergency;  
17 (b) the administration of a unit dose of a drug to a  
18 patient by or under the supervision of a medical  
19 practitioner;  
20 (c) dispensing a drug to a patient by a medical  
21 practitioner whenever there is no community pharmacy  
22 available to the patient;  
23 (d) the dispensing of drugs occasionally, but not as a  
24 usual course of doing business, by a medical practitioner;  
25 (e) a medical practitioner from dispensing drug

1 samples;  
2 (f) the dispensing of factory prepackaged oral  
3 contraceptives by a registered nurse employed by a family  
4 planning clinic under contract with the department of health  
5 and environmental sciences if the dispensing is in  
6 accordance with:  
7 (i) a physician's written protocol specifying the  
8 circumstances under which dispensing is appropriate; and  
9 (ii) the drug labeling, storage, and recordkeeping  
10 requirements of the board of pharmacy;  
11 (g) a contract physician at an urban Indian clinic from  
12 dispensing drugs to qualified patients of the clinic."

-End-

SECOND READING  
56 310



1 *Senate* BILL NO. *310*  
 2 INTRODUCED BY *Yellowtail*  
 3 *Michael Messmore*

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CONTRACT  
 5 PHYSICIANS AT URBAN INDIAN CLINICS TO DISPENSE DRUGS; AND  
 6 AMENDING SECTION 37-2-104, MCA."

7  
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 37-2-104, MCA, is amended to read:

10 "37-2-104. Dispensing of drugs by medical practitioners  
 11 unlawful -- exceptions. (1) Except as otherwise provided by  
 12 this section, it is unlawful for a medical practitioner to  
 13 engage, directly or indirectly, in the dispensing of drugs.

14 (2) Nothing in this section prohibits:

15 (a) a medical practitioner from furnishing a patient  
 16 any drug in an emergency;

17 (b) the administration of a unit dose of a drug to a  
 18 patient by or under the supervision of a medical  
 19 practitioner;

20 (c) dispensing a drug to a patient by a medical  
 21 practitioner whenever there is no community pharmacy  
 22 available to the patient;

23 (d) the dispensing of drugs occasionally, but not as a  
 24 usual course of doing business, by a medical practitioner;

25 (e) a medical practitioner from dispensing drug

1 samples;

2 (f) the dispensing of factory prepackaged oral  
 3 contraceptives by a registered nurse employed by a family  
 4 planning clinic under contract with the department of health  
 5 and environmental sciences if the dispensing is in  
 6 accordance with:

7 (i) a physician's written protocol specifying the  
 8 circumstances under which dispensing is appropriate; and

9 (ii) the drug labeling, storage, and recordkeeping  
 10 requirements of the board of pharmacy;

11 (g) a contract physician at an urban Indian clinic from  
 12 dispensing drugs to qualified patients of the clinic."

-End-

THIRD READING

SB 310



## 1 SENATE BILL NO. 310

2 INTRODUCED BY YELLOWTAIL, CRIPPEN, MAZUREK, TOWE,

3 WATERMAN, GERVAIS, MESSMORE, RUSSELL, THAYER

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CONTRACT  
6 PHYSICIANS AT URBAN INDIAN CLINICS TO DISPENSE DRUGS; AND  
7 AMENDING SECTION 37-2-104, MCA."8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:10 **Section 1.** Section 37-2-104, MCA, is amended to read:11 **"37-2-104. Dispensing of drugs by medical practitioners**  
12 **unlawful -- exceptions.** (1) Except as otherwise provided by  
13 this section, it is unlawful for a medical practitioner to  
14 engage, directly or indirectly, in the dispensing of drugs.

15 (2) Nothing in this section prohibits:

16 (a) a medical practitioner from furnishing a patient  
17 any drug in an emergency;18 (b) the administration of a unit dose of a drug to a  
19 patient by or under the supervision of a medical  
20 practitioner;21 (c) dispensing a drug to a patient by a medical  
22 practitioner whenever there is no community pharmacy  
23 available to the patient;24 (d) the dispensing of drugs occasionally, but not as a  
25 usual course of doing business, by a medical practitioner;1 (e) a medical practitioner from dispensing drug  
2 samples;3 (f) the dispensing of factory prepackaged oral  
4 contraceptives by a registered nurse employed by a family  
5 planning clinic under contract with the department of health  
6 and environmental sciences if the dispensing is in  
7 accordance with:8 (i) a physician's written protocol specifying the  
9 circumstances under which dispensing is appropriate; and10 (ii) the drug labeling, storage, and recordkeeping  
11 requirements of the board of pharmacy;12 (g) a contract physician at an urban Indian clinic from  
13 dispensing drugs to qualified patients of the clinic."

-End-

REFERENCE BILL

SB 310

-2-



GOVERNOR'S AMENDMENTS TO  
SENATE BILL 310  
(REFERENCE COPY, AS AMENDED)  
MARCH 29, 1991

1. Page 2, line 12.  
Following: clinic."  
Insert: "Such clinic may not stock or dispense any  
dangerous drug or controlled substance as defined in 50-32-  
101. The contract physician may not delegate the authority  
to dispense any drug for which a prescription is required  
under 21 U.S. Code sec. 353 (b)."

## 1 SENATE BILL NO. 310

2 INTRODUCED BY YELLOWTAIL, CRIPPEN, MAZUREK, TOWE,

3 WATERMAN, GERVAIS, MESSMORE, RUSSELL, THAYER

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CONTRACT  
6 PHYSICIANS AT URBAN INDIAN CLINICS TO DISPENSE DRUGS; AND  
7 AMENDING SECTION 37-2-104, MCA."8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:10 **Section 1.** Section 37-2-104, MCA, is amended to read:11 **"37-2-104. Dispensing of drugs by medical practitioners**  
12 **unlawful -- exceptions.** (1) Except as otherwise provided by  
13 this section, it is unlawful for a medical practitioner to  
14 engage, directly or indirectly, in the dispensing of drugs.

15 (2) Nothing in this section prohibits:

16 (a) a medical practitioner from furnishing a patient  
17 any drug in an emergency;18 (b) the administration of a unit dose of a drug to a  
19 patient by or under the supervision of a medical  
20 practitioner;21 (c) dispensing a drug to a patient by a medical  
22 practitioner whenever there is no community pharmacy  
23 available to the patient;24 (d) the dispensing of drugs occasionally, but not as a  
25 usual course of doing business, by a medical practitioner;1 (e) a medical practitioner from dispensing drug  
2 samples;3 (f) the dispensing of factory prepackaged oral  
4 contraceptives by a registered nurse employed by a family  
5 planning clinic under contract with the department of health  
6 and environmental sciences if the dispensing is in  
7 accordance with:8 (i) a physician's written protocol specifying the  
9 circumstances under which dispensing is appropriate; and10 (ii) the drug labeling, storage, and recordkeeping  
11 requirements of the board of pharmacy;12 (g) a contract physician at an urban Indian clinic from  
13 dispensing drugs to qualified patients of the clinic. THE  
14 CLINIC MAY NOT STOCK OR DISPENSE ANY DANGEROUS DRUG, AS  
15 DEFINED IN 50-32-101, OR CONTROLLED SUBSTANCE. THE CONTRACT  
16 PHYSICIAN MAY NOT DELEGATE THE AUTHORITY TO DISPENSE ANY  
17 DRUG FOR WHICH A PRESCRIPTION IS REQUIRED UNDER 21 U.S.C.  
18 353B."

-End-