

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES | NOTES |
|--|---|--|---------------------|---------------|---|----------------------|-----------------------------|---|-------|
| 110-36 (COR) As substituted and amended on the Floor. | Therese M. Terlaje Telena Cruz Nelson Frank Blas Jr. Joanne Brown V. Anthony Ada Telo T. Taitague Clynton E. Ridgell Tina Rose Muña Barnes | AN ACT TO <i>AMEND</i> §41649 TO ARTICLE 16, CHAPTER 4, DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, TO <i>AMEND</i> §67.308.1 OF ARTICLE 3, CHAPTER 67, TITLE 9 AND TO <i>AMEND</i> §12605 (o) OF ARTICLE 6, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING ELECTRONIC TRANSMISSION OF PRESCRIPTIONS FOR SCHEDULE II, III, IV AND V SUBSTANCES. | 4/7/21 2:09 p.m. | 4/9/21 | Committee on Health, Land, Justice, and Culture | 5/12/21 5:30 p.m. | 5/21/21 2:03 p.m. | Waiver: 4/12/21 Request: 4/9/21 | |
| | SESSION DATE | TITLE | DATE PASSED | TRANSMITTED | DUE DATE | PUBLIC LAW NO. | DATE SIGNED | NOTES | |
| | 5/21/21 | AN ACT TO <i>AMEND</i> § 41649 AND <i>ADD</i> A NEW § 41649.1 TO ARTICLE 16, CHAPTER 4, DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS; TO <i>AMEND</i> § 67.308.1 OF ARTICLE 3, CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED; AND TO <i>AMEND</i> § 12605(o) OF ARTICLE 6, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING ELECTRONIC TRANSMISSION OF PRESCRIPTIONS FOR SCHEDULE II, III, IV, AND V CONTROLLED SUBSTANCES. | 5/28/21 | 6/1/21 | 6/12/21 | 36-31 | 6/11/21 | Received: 6/11/21 Mess and Comm. Doc. No. 36GL-21-0682 | |

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

June 11, 2021

Doc Type: 36GL-21-0682
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Sais Na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

~~06~~ 11 2021

Time: 4:53pm

Received: [Signature]

Re: Substitute Bill No. 110-36 (COR) - An Act to Amend § 41649 and Add a New § 41649.1 to Article 16, Chapter 4, Division 1, Title 26, Guam Administrative Rules and Regulations; to Amend § 67.308. 1 of Article 3, Chapter 67, Title 9, Guam Code Annotated; and to Amend § 12605(o) of Article 6, Chapter 12, Title 10, Guam Code Annotated, Relative to Allowing Electronic and Transmission of Prescription for Schedule ii. III, IV, and V Controlled Substances

Buenas yan Hafa Adai Madame Speaker:

Bill No. 110-36 provides for the implementation of an electronic prescription system that would allow providers to communicate directly with pharmacies to complete and transmit prescriptions for patients. This measure will ensure more efficient processing of prescriptions, reduce waiting times, and minimize the potential for misinterpretation, miscommunication and errors. Further, because the prescriptions are transmitted directly from registered providers, who electronically sign the prescriptions, the transmission of such prescriptions are secure. These safeguards are of vital importance given the controlled nature of the medications involved, and will protect patients, providers, and pharmacies alike. For these reasons, I sign Bill No. 110-36 into law as **Public Law No. 36-31**

Senseremente,

LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

COMMITTEE ON RULES

RECEIVED:

June 11, 2021

5:29 P.M.

Enclosure(s): Bill No. 110-36 (COR) *nka P.L. 36-31*

cc: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*
Compiler of Laws

RICARDO J. BORDALLO GOVERNOR'S COMPLEX

513 W. Marine Corps Drive Hagåtña, Guam 96910

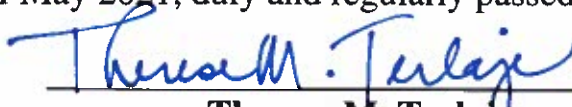
governor.guam.gov | (671) 472-8931

Doc. No. 36GL-21-0682.*

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that substitute **Bill No. 110-36 (COR)**, “**AN ACT TO AMEND § 41649 AND ADD A NEW § 41649.1 TO ARTICLE 16, CHAPTER 4, DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS; TO AMEND § 67.308.1 OF ARTICLE 3, CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED; AND TO AMEND § 12605(o) OF ARTICLE 6, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING ELECTRONIC TRANSMISSION OF PRESCRIPTIONS FOR SCHEDULE II, III, IV, AND V CONTROLLED SUBSTANCES,**” was on the 28th day of May 2021, duly and regularly passed.


Therese M. Terlaje
Speaker


Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1st day of June,
2021, at 1:47 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/11/2021

Public Law No. 36-31

2021-13811
RCVD AT CENTRAL FILES
JUN 1 '21 PM 1:47

Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 110-36 (COR)

As substituted and amended on the Floor.

Introduced by:

Therese M. Terlaje
Telenia C. Nelson
Frank Blas Jr.
Joanne Brown
V. Anthony Ada
Telo T. Taitague
Clynton E. Ridgell
Tina Rose Muña Barnes
Christopher M. Dueñas
James C. Moylan
Sabina Flores Perez
Joe S. San Agustin
Amanda L. Shelton
Jose "Pedro" Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 41649 AND *ADD* A NEW § 41649.1 TO ARTICLE 16, CHAPTER 4, DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS; TO *AMEND* § 67.308.1 OF ARTICLE 3, CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED; AND TO *AMEND* § 12605(o) OF ARTICLE 6, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING ELECTRONIC TRANSMISSION OF PRESCRIPTIONS FOR SCHEDULE II, III, IV, AND V CONTROLLED SUBSTANCES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 41649 of Article 16, Chapter 4, Division 1, Title 26, Guam Administrative Rules and Regulations, is hereby *amended* to read:

"§ 41649. Printing and Signing of Prescriptions. Where an oral order is not permitted, paper prescriptions shall be written with ink or indelible

1 pencil, typewriter, or printed on a computer printer and shall be manually
2 signed by the practitioner and dated as of, and signed on, the day when issued.
3 A computer-generated prescription that is printed out or faxed by the
4 practitioner must be manually signed.”

5 **Section 2.** A new § 41649.1 is hereby *added* to Article 16 of Chapter 4,
6 Division 1, Title 26, Guam Administrative Rules and Regulations, to read:

7 **“§ 41649.1. Electronic Transmission of Prescriptions of Controlled**
8 **Substances.**

9 (a) Except as otherwise prohibited by law, prescriptions of
10 controlled substances may be transmitted by electronic means from the
11 prescriber to the pharmacy.

12 (b) Electronic transmission shall be as defined in 10 GCA §
13 12605(n) as applicable to controlled substances defined in 9 GCA § 67.308.1.

14 (c) An electronically transmitted prescription of controlled
15 substances that meets the requirements of this regulation shall be deemed to
16 be a prescription within the meaning of 26 GARR § 41804(x) as applicable to
17 controlled substances defined in 9 GCA § 67.308.1.

18 (d) An electronically transmitted prescription order of controlled
19 substances shall include the name and address of the prescriber, a telephone
20 number for oral confirmation, the date of transmission and the identity of the
21 recipient, as well as any other information required by federal or local law or
22 regulations. The prescriber’s address, license classification, and federal
23 registry number may be omitted if they are on file and readily retrievable in
24 the receiving pharmacy.

25 (e) An “interim storage device” means an electronic file into which
26 a prescription is entered for later retrieval by an authorized individual.

1 (f) Any interim storage device used for electronic signing and
2 transmitting of prescription orders of controlled substances shall meet all
3 standards set forth by the U.S. Drug Enforcement Administration (DEA).

4 (g) Any interim storage device shall, in addition to the above
5 information, record and maintain the date of entry and/or receipt of the
6 prescription order, the date of transmission from the interim storage device,
7 and the identity of the recipient of such transmission. The interim storage
8 device shall be maintained so as to ensure against unauthorized access and use
9 of prescription information, including dispensing information.

10 (h) A pharmacy shall receive electronic prescription transmission for
11 controlled substances in accordance with regulations promulgated by the
12 DEA.

13 (i) A pharmacy receiving an electronic image transmission
14 prescription shall either receive the prescription in hard copy form or have the
15 capacity to retrieve a hard copy facsimile of the prescription from the
16 pharmacy's computer memory. Any hard copy of a prescription shall be
17 maintained on paper of permanent quality.

18 (j) An electronically transmitted prescription shall be transmitted
19 only to the pharmacy of the patient's choice. This requirement shall not apply
20 to orders for medications to be administered in acute care facilities.

21 (k) Any person who transmits, maintains, or receives any
22 prescription or prescription refill orally, in writing, or electronically, shall
23 ensure the security, integrity, authenticity, and confidentiality of the
24 prescription and any information contained therein."

25 **Section 3.** § 67.308.1 of Article 3, Chapter 67, Title 9, Guam Code
26 Annotated, is hereby *amended* to read:

27 **"§ 67.308.1. Prescriptions.**

1 (a) As used in this Section, “medical treatment” includes dispensing
2 or administering a narcotic drug for pain, including intractable pain; however,
3 this does not include dispensing any controlled substance to a fighting cock
4 or a competitive racing dog for their performance or appearance enhancement.

5 (b) A person may dispense a controlled substance only as provided
6 in this Section.

7 (c) Except when dispensed directly by a practitioner, other than a
8 pharmacy, to an ultimate user, a substance included in Schedule II, III, IV, or
9 V may not be dispensed without the written or electronic prescription of a
10 practitioner and pursuant to rules adopted by DPHSS. Schedule III, IV, or V
11 substances may also be dispensed through the oral prescription of a
12 practitioner. A prescription for a Schedule II, III, IV, or V substance shall not
13 be filled by a pharmacist after seven (7) days of its date of issuance. Any
14 original prescription in need of being filled after the seven (7) days shall be
15 renewed by a practitioner. Refill(s) listed in Schedule III, IV, or V may be
16 filled after the seven (7) days of issuance.

17 (d) In an emergency, as defined by rules of DPHSS, a substance
18 included in Schedule II may be dispensed upon oral prescription of a
19 practitioner, reduced promptly to writing, signed by the practitioner, and filed
20 by the pharmacy. The pharmacy shall keep prescriptions in conformity with §
21 67.306. A prescription for a substance included in Schedule II may not be
22 refilled.

23 (e) Except when dispensed directly by a practitioner, other than a
24 pharmacy, to an ultimate user, a substance included in Schedule III or IV,
25 which is a prescription drug as determined under this Act, may not be
26 dispensed without a written, electronic, or oral prescription of a practitioner.
27 The prescription must not be refilled more than six (6) months after its date

1 unless renewed by the practitioner. No prescription for a controlled substance
2 listed in Schedule III or IV may be refilled more than five (5) times.

3 (f) A substance included in Schedule V may be distributed or
4 dispensed only for a medical purpose, including medical treatment or
5 authorized research.

6 (g) A practitioner may dispense or deliver a controlled substance to
7 or for an individual or animal only for medical treatment or authorized
8 research in the ordinary course of that practitioner's profession.

9 (h) No civil or criminal liability or administrative sanction may be
10 imposed on a pharmacist for action taken in reliance on a reasonable belief
11 that an order purporting to be a prescription was issued by a practitioner in the
12 usual course of professional treatment or in authorized research.

13 (i) An individual practitioner may not dispense a substance included
14 in Schedule II, III, or IV for that individual practitioner's personal use except
15 in a medical emergency.

16 (j) A prescription may not be issued in order for an individual
17 practitioner to obtain controlled substances for supplying the individual
18 practitioner for the purpose of general dispensing to patients.

19 (k) A prescription may not be issued for the "detoxification
20 treatment" or "maintenance treatment" unless the prescription is for a
21 Schedule III, IV, or V narcotic drug approved by the Food and Drug
22 Administration specifically for use in maintenance or detoxification treatment
23 and the practitioner is in compliance with 21 C.F.R. § 1301.28.

24 (l) A prescription may be issued by a qualifying practitioner, as
25 defined in Section 303(g)(2)(G)(iii) of the Federal Controlled Substance Act
26 (21 U.S.C. § 823(g)(2)(G)(iii)), in accordance with 21 C.F.R. § 1306.05, for
27 a Schedule III, IV, or V controlled substance for the purpose of maintenance

1 or detoxification treatment for the purposes of administration in accordance
2 with Section 309A of the Federal Controlled Substances Act (21 U.S.C. §
3 829a) and 21 C.F.R. § 1306.07(f). Such prescription issued by a qualifying
4 practitioner shall not be used to supply any practitioner with a stock of
5 controlled substances for the purpose of general dispensing to patients.”

6 **Section 4.** § 12605(o) of Article 6, Chapter 12, Title 10, Guam Code
7 Annotated, is hereby *amended* to read:

8 “(o) Emergency Situations for the purposes of authorizing an oral
9 prescription drug order or a Schedule II controlled substance, means those
10 situations in which the prescribing practitioner determines:

11 (1) that immediate administration of the controlled substance
12 is necessary for proper treatment of the patient;

13 (2) that no appropriate alternative treatment is available,
14 including administration of a drug which is not a Schedule II controlled
15 substance; and

16 (3) that it is not reasonably possible for the prescribing
17 practitioner to provide a written or electronic prescription drug order to
18 be presented to the person dispensing the substance, prior to the
19 dispensing.”

20 **Section 5. Severability.** If any provision of this Act or its application to any
21 person or circumstance is found to be invalid or contrary to law, such invalidity shall
22 not affect other provisions or applications of this Act that can be given effect without
23 the invalid provision or application, and to this end the provisions of this Act are
24 severable.