

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 656\*  
PROPOSED COMMITTEE SUBSTITUTE H656-PCS90113-RK-55

Short Title: Controlled Substances/Photo ID.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT PHARMACIES TO REQUIRE PHOTO IDENTIFICATION PRIOR  
3 TO DISPENSING SCHEDULE II CONTROLLED SUBSTANCES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 5 of Chapter 90 of the General Statutes is amended by adding  
6 a new section to read:

7 "**§ 90-106.1. Photo ID requirement for Schedule II controlled substances.**

8 (a) Presentation of ID. – Prior to dispensing a Schedule II controlled substance, each  
9 pharmacy holding a valid permit pursuant to G.S. 90-85.21 shall require the presentation of one  
10 of the following valid, unexpired forms of government-issued photographic identification:

- 11 (1) A drivers license.  
12 (2) A special identification card issued under G.S. 20-37.7.  
13 (3) A military identification card.  
14 (4) A passport.

15 The presentation of the required photographic identification may be at the time of the delivery  
16 of the prescription to the pharmacy, or at the time of the issue of the Schedule II controlled  
17 substance, in accordance with the procedures in this section.

18 (b) Documentation and Record Keeping. – Upon presentation of the required  
19 photographic identification, the pharmacy shall document all of the following:

- 20 (1) The name of the person seeking the dispensation.  
21 (2) The type of photographic identification presented by the person seeking the  
22 dispensation.  
23 (3) The photographic identification number.

24 The pharmacy shall retain this identifying information on the premises or at a central location  
25 apart from the premises as part of its business records for a period of three years following  
26 dispensation. Nothing in this section shall be deemed to require that the person seeking the  
27 dispensation and the person to whom the prescription is issued be the same person.

28 (c) Dispensation. – The person seeking the dispensation may provide the pharmacy  
29 with a list of persons authorized to receive Schedule II controlled substances on the person's  
30 behalf, if the pharmacy has established a policy of keeping such an authorized list for its  
31 customers.

- 32 (1) If the person seeking the dispensation or a person on the authorized list  
33 provides the required photographic identification at the time the prescription  
34 was provided to the pharmacy, then the requirements of this section have



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1 been fulfilled, and the pharmacy may issue the Schedule II controlled  
2 substance to the person seeking the dispensation or to an authorized person  
3 without any further identification required.

4 (2) If the required photographic identification was not provided by the person  
5 seeking the dispensation, or by a person on a list authorized under this  
6 subsection, at the time the prescription was provided to the pharmacy, then  
7 the person to whom the Schedule II controlled substance is to be issued must  
8 provide the required photographic identification, regardless of whether he or  
9 she is on a list authorized under this subsection.

10 (3) Nothing in this subsection shall be deemed to require a pharmacy to  
11 maintain or create the authorized list described in this subsection.

12 (d) Reporting System. – The pharmacy shall make the identifying information available  
13 to any person authorized under G.S. 90-113.74 to receive prescription information data in the  
14 controlled substances reporting system within 72 hours after a request for the identifying  
15 information. A pharmacy that submits the identifying information required under this section to  
16 the controlled substances reporting system established and maintained pursuant to  
17 G.S. 90-113.73 is deemed in compliance with this subsection.

18 (e) Health Care Facilities. – Nothing in this section shall apply to the dispensation of  
19 controlled substances to employees of "health care facilities," as that term is defined in  
20 G.S. 131E-256(b), when the controlled substances are delivered to the health care facilities for  
21 the benefit of residents or patients of such health care facilities."

22 **SECTION 2.** This act becomes effective January 1, 2012.