

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 54.1-2519 and 54.1-2520 of the Code of Virginia and to amend the*  
 3 *Code of Virginia by adding in Article 5 of Chapter 34 of Title 54.1 a section numbered 54.1-3456.1,*  
 4 *relating to designation and reporting of drugs of concern.*

5 [H 874]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That §§ 54.1-2519 and 54.1-2520 of the Code of Virginia are amended and reenacted and that**  
 9 **the Code of Virginia is amended by adding in Article 5 of Chapter 34 of Title 54.1 a section**  
 10 **numbered 54.1-3456.1 as follows:**

11 **§ 54.1-2519. Definitions.**

12 As used in this article, unless the context requires a different meaning:

13 "Administer" means the direct application of a controlled substance, whether by injection, inhalation,  
 14 ingestion or any other means, to the body of a patient or research subject by (i) a practitioner or, under  
 15 the practitioner's direction, his authorized agent or (ii) the patient or research subject at the direction and  
 16 in the presence of the practitioner.

17 "Bureau" means the Virginia Department of State Police, Bureau of Criminal Investigation, Drug  
 18 Diversion Unit.

19 "Controlled substance" means a drug, substance or immediate precursor in Schedules I through VI of  
 20 the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of this title.

21 "Covered substance" means all controlled substances included in Schedules II, III, and IV *and all*  
 22 *drugs of concern* that are required to be reported to the Prescription Monitoring Program, pursuant to  
 23 this chapter.

24 "Department" means the Virginia Department of Health Professions.

25 "Director" means the Director of the Virginia Department of Health Professions.

26 "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or  
 27 pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging,  
 28 labeling or compounding necessary to prepare the substance for that delivery.

29 "Dispenser" means a person or entity that (i) is authorized by law to dispense a covered substance or  
 30 to maintain a stock of covered substances for the purpose of dispensing, and (ii) dispenses the covered  
 31 substance to a citizen of the Commonwealth regardless of the location of the dispenser, or who  
 32 dispenses such covered substance from a location in Virginia regardless of the location of the recipient.

33 "*Drug of concern*" means *any drug or substance, including any controlled substance or other drug*  
 34 *or substance, where there has been or there is the potential for abuse and has been identified by the*  
 35 *Board of Pharmacy pursuant to § 54.1-3456.1.*

36 "Prescriber" means a practitioner licensed in the Commonwealth who is authorized pursuant to  
 37 §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance or a practitioner licensed in  
 38 another state to so issue a prescription for a covered substance.

39 "Recipient" means a person who receives a covered substance from a dispenser.

40 "Relevant health regulatory board" means any such board that licenses persons or entities with the  
 41 authority to prescribe or dispense covered substances, including, but not limited to, the Board of  
 42 Dentistry, the Board of Medicine, and the Board of Pharmacy.

43 **§ 54.1-2520. Program establishment; Director's regulatory authority.**

44 A. The Director shall establish, maintain, and administer an electronic system to monitor the  
 45 dispensing of covered substances to be known as the Prescription Monitoring Program. Covered  
 46 substances shall include all Schedule II, III, and IV controlled substances, as defined in the Drug  
 47 Control Act (§ 54.1-3400 et seq.), *and any other drugs of concern identified by the Board of Pharmacy*  
 48 *pursuant to § 54.1-3456.1.*

49 B. The Director, after consultation with relevant health regulatory boards, shall promulgate, in  
 50 accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), such regulations  
 51 as are necessary to implement the prescription monitoring program as provided in this chapter,  
 52 including, but not limited to, the establishment of criteria for granting waivers of the reporting  
 53 requirements set forth in § 54.1-2521.

54 C. The Director may enter into contracts as may be necessary for the implementation and  
 55 maintenance of the Prescription Monitoring Program.

56 D. The Director shall provide dispensers with a basic file layout to enable electronic transmission of

the information required in this chapter. For those dispensers unable to transmit the required information electronically, the Director shall provide an alternative means of data transmission.

E. The Director shall also establish an advisory committee within the Department to assist in the implementation and evaluation of the Prescription Monitoring Program.

**§ 54.1-3456.1. Drugs of concern.**

A. The Board may promulgate regulations designating specific drugs and substances, including any controlled substance or other drug or substance where there has been or there is the actual or relative potential for abuse, as drugs of concern. Drugs or substances designated as drugs of concern shall be reported to the Department of Health Professions and shall be subject to reporting requirements for the Prescription Monitoring Program established pursuant to Chapter 25.2 (§ 54.1-2519 et seq.).

B. Drugs and substances designated as drugs of concern shall include any material, compound, mixture, or preparation that contains any quantity of the substance Tramadol, including its salts. Drugs and substances designated as drugs of concern shall not include any non-narcotic drug that may be lawfully sold over the counter or behind the counter without a prescription.