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Minnesota Board of Pharmacy

Report to the Legislature on the Effect of Requiring Identification for Schedule II and III Controlled Substance Prescriptions

INTRODUCTION

The Board of Pharmacy (Board) is submitting this report to the Legislature in compliance with 2007 Minnesota Laws, Chapter 147, Article 12, Section 8. That section of law (M.S. §152.11) established the requirement that “(n)o person may dispense a controlled substance included in schedule II or III without requiring the person purchasing the controlled substance, who need not be the person for whom the controlled substance prescription is written, to present valid photographic identification, unless the person purchasing the controlled substance, or if applicable the person for whom the controlled substance prescription is written, is known to the dispenser”. The Board was required to “report the incidence of complaints, if any, generated by the requirements of this subdivision and whether this subdivision is creating barriers to pharmaceutical access”.

COMPLAINTS AND IMPACT ON ACCESS TO PHARMACEUTICALS

The Board has not received any complaints from the public concerning the requirement that valid photographic identification be provided by individuals picking up Schedule II and III controlled substance prescriptions. Nor is there any evidence that the requirements of M.S. §152.11 have had a negative impact on access to pharmaceuticals. A handful of pharmacists have questioned why the requirement pertains only to cash prescriptions – expressing the belief that it should be extended to all prescriptions. The Board has also received questions from pharmacists relating to record-keeping. This section of law does not require pharmacies to keep a log or record of their identification checks. Generally, pharmacists have reacted favorably to the requirement.

RECOMMENDED CHANGE TO M.S. §152.11

This section of law was enacted at the same time that the Legislature passed legislation to establish a controlled substances prescription electronic reporting system (CSPER) for Schedule II and III controlled substances. (M.S. §152.126). The Legislature has since added Schedule IV controlled substances to the CSPER. Consequently, the Board recommends that the identification requirement of M.S. §152.11 be extended to Schedule IV prescriptions.