

State of South Dakota

NINETY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2018

936Z0419

SENATE BILL NO. 176

Introduced by: Senators Rusch, Frerichs, Kennedy, Killer, Kolbeck, Monroe, Novstrup, Otten (Ernie), and Peters and Representatives Jensen (Kevin), Campbell, Glanzer, Greenfield (Lana), Haugaard, Lesmeister, Pischke, Rasmussen, Ring, Wiese, and Willadsen

1 FOR AN ACT ENTITLED, An Act to establish certain provisions regarding the prescription
2 of opioids.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 As used in this Act, the term, prescriber, refers to a practioner who holds a South Dakota
6 controlled substance registration and a federal Drug Enforcement Agency registration. The term,
7 opioid, refers to opiates, opioids, opioid analgesics, and opioid derivatives.

8 Section 2. That the code be amended by adding a NEW SECTION to read:

9 A prescriber may issue a prescription for an opioid only if the following limitations are met:

10 (1) If the prescription is for an adult who is being prescribed an opioid for the first time
11 by the prescriber, the prescription may not exceed a seven day supply; and

12 (2) If the prescription is for a minor under eighteen years of age, the prescription may not
13 exceed a seven day supply.

14 Section 3. That the code be amended by adding a NEW SECTION to read:



1 No prescriber may issue a prescription to a patient for an opioid without having considered
2 and discussed with the patient first attempting non-opioid prescriptions or treatment options to
3 alleviate pain. This section does not apply to any patient in hospice care or other end of life care
4 or to a patient diagnosed with chronic pain, by a health care provider, which condition has not
5 been relieved by non-opioid treatment options.

6 Section 4. That the code be amended by adding a NEW SECTION to read:

7 A prescriber who issues a prescription for an opioid shall provide the patient receiving the
8 prescription information on the risks of using opioids and the manner of disposing of any
9 unused opioids.