

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 353 Session of 2017

INTRODUCED BY NESBIT, MARSICO, NEILSON, CRUZ, DRISCOLL, COX, MILLARD, HILL-EVANS, CARROLL, PHILLIPS-HILL, PICKETT, A. HARRIS, MURT, WARD, IRVIN, GAINEY, SOLOMON, M. QUINN, RADER, STEPHENS, WATSON, ZIMMERMAN, DEAN, BENNINGHOFF, BARRAR, D. MILLER, OBERLANDER, DAVIS AND MICCARELLI, FEBRUARY 6, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 19, 2017

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," further providing for
11 professional prescription, administration, and dispensing.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 11(a) and (b) of the act of April 14,
15 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, are amended to read:

17 Section 11. Professional Prescription, Administration, and
18 Dispensing.--(a) Except when dispensed or administered directly
19 to the patient by a practitioner or his authorized agent, other
20 than a pharmacist, to an ultimate user, no controlled substance

1 in Schedule II[, may] shall be dispensed without [the written]
2 an electronic prescription of a practitioner, except in
3 emergency situations ~~and as otherwise provided under this~~ <--
4 subsection, as prescribed by the secretary by regulation. No
5 prescription for a controlled substance in Schedule II may be
6 refilled. ~~As prescribed by the secretary by regulation, the~~ <--
7 ~~secretary shall provide an exception to the~~ THE electronic <--
8 prescription requirement under this subsection SHALL NOT APPLY <--
9 if the prescription is issued:

10 (1) by a veterinarian;

11 (2) under circumstances when an electronic prescription is
12 not available due to a temporary technological or electrical
13 failure;

14 (3) by a practitioner and dispensed by a pharmacy located
15 outside this Commonwealth;

16 (4) by a practitioner who OR HEALTH CARE FACILITY THAT does <--
17 not have Internet access OR AN ELECTRONIC HEALTH RECORD SYSTEM; <--
18 or

19 (5) by a practitioner treating a patient in AN EMERGENCY <--
20 DEPARTMENT OR a health care facility under circumstances when
21 the practitioner reasonably determines that electronically
22 prescribing a controlled substance would BE IMPRACTICAL FOR THE <--
23 PATIENT TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED BY
24 ELECTRONIC PRESCRIPTION OR WOULD cause an untimely delay
25 resulting in an adverse impact on the patient's medical
26 condition.

27 (b) Except when dispensed directly by a practitioner, other
28 than a pharmacist, to an ultimate user, no controlled substance
29 in Schedule III or IV[, may] shall be dispensed without [a
30 written or oral] an electronic prescription of a practitioner,

1 except in emergency situations, as prescribed by the secretary
2 by regulation and as otherwise provided under this subsection. <--

3 Such prescriptions shall not be filled or refilled more than six
4 months after the date thereof or be refilled more than five
5 times after the date of the prescription unless renewed by the
6 practitioner. ~~As prescribed by the secretary by regulation, the~~ <--
7 ~~secretary shall provide an exception to the~~ THE electronic <--
8 prescription requirement under this subsection SHALL NOT APPLY <--
9 if the prescription is issued:

10 (1) by a veterinarian;

11 (2) under circumstances when an electronic prescription is
12 not available due to a temporary technological or electrical
13 failure;

14 (3) by a practitioner and dispensed by a pharmacy located
15 outside this Commonwealth;

16 (4) by a practitioner who OR HEALTH CARE FACILITY THAT does <--
17 not have Internet access OR AN ELECTRONIC HEALTH RECORD SYSTEM; <--
18 or

19 (5) by a practitioner treating a patient in AN EMERGENCY <--
20 DEPARTMENT OR a health care facility under circumstances when
21 the practitioner reasonably determines that electronically
22 prescribing a controlled substance would BE IMPRACTICAL FOR THE <--
23 PATIENT TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED BY
24 ELECTRONIC PRESCRIPTION OR WOULD cause an untimely delay
25 resulting in an adverse impact on the patient's medical
26 condition.

27 * * *

28 Section 2. This act shall take effect in ~~60 days~~ ONE YEAR. <--