
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 562 Session of
2017

INTRODUCED BY SABATINA, FONTANA, TARTAGLIONE, COSTA, LANGERHOLC,
HUTCHINSON, RAFFERTY AND STEFANO, MARCH 29, 2017

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 29, 2017

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in prescribing opioids, further
3 providing for definitions, for prohibition and for procedure.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. The heading of Chapter 52A of Title 35 of the
7 Pennsylvania Consolidated Statutes, added November 2, 2016
8 (P.L.983, No.125), is amended to read:

9 CHAPTER 52A

10 PRESCRIBING OPIOIDS [TO MINORS]

11 Section 2. The definition of "medical emergency" in section
12 52A01 of Title 35, added November 2, 2016 (P.L.983, No.125), is
13 amended to read:

14 § 52A01. Definitions.

15 The following words and phrases when used in this chapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 * * *

1 "Medical emergency." A situation which, in a prescriber's
2 good faith professional judgment, creates an immediate threat of
3 serious risk to the life or physical health of [a minor] an
4 individual.

5 * * *

6 Section 3. Section 52A03 and 52A04 of Title 35, added
7 November 2, 2016 (P.L.983, No.125), are amended to read:

8 § 52A03. Prohibition.

9 (a) Proscription.--A prescriber may not do any of the
10 following:

11 (1) Prescribe to [a minor] an individual a controlled
12 substance containing an opioid unless the prescriber complies
13 with section 52A04 (relating to procedure).

14 (2) Except as set forth in subsection (b) and subject to
15 section 52A04(c)(1), prescribe to [a minor] an individual
16 more than a [seven-day] five-day supply of a controlled
17 substance containing an opioid.

18 (b) Exception.--Notwithstanding subsection (a)(1), a
19 prescriber may prescribe to [a minor] an individual more than a
20 [seven-day] five-day supply of a controlled substance containing
21 an opioid if any of the following apply:

22 (1) In the professional medical judgment of the
23 prescriber, more than a [seven-day] five-day supply of a
24 controlled substance containing an opioid is required to
25 stabilize the [minor's] individual's acute medical condition.

26 In order for this paragraph to apply, the prescriber must:

27 (i) document the acute medical condition in the
28 [minor's] individual's record with the prescriber; and

29 (ii) indicate the reason why a non-opioid
30 alternative is not appropriate to address the acute

1 medical condition.

2 (2) The prescription is for:

3 (i) management of pain associated with cancer;

4 (ii) use in palliative or hospice care; or

5 (iii) management of chronic pain not associated with

6 cancer.

7 § 52A04. Procedure.

8 (a) Requirements.--Except as set forth in subsection (b),
9 before issuing [a minor] an individual the first prescription in
10 a single course of treatment for a controlled substance
11 containing an opioid, regardless of whether the dosage is
12 modified during that course of treatment, a prescriber shall do
13 all of the following:

14 (1) Assess whether the [minor] individual has taken or
15 is currently taking prescription drugs for treatment of a
16 substance use disorder.

17 (2) Discuss with the [minor and] individual or, if the
18 individual is a minor, with the minor's parent or guardian or
19 with an authorized adult, all of the following:

20 (i) The risks of addiction and overdose associated
21 with the controlled substance containing an opioid.

22 (ii) The increased risk of addiction to controlled
23 substances to individuals suffering from mental or
24 substance use disorders.

25 (iii) The dangers of taking a controlled substance
26 containing an opioid with benzodiazepines, alcohol or
27 other central nervous system depressants.

28 (iv) Other information in the patient counseling
29 information section of the labeling for controlled
30 substances containing an opioid required under 21 C.F.R.

1 201.57(c)(18) (relating to specific requirements on
2 content and format of labeling for human prescription
3 drug and biological products described in § 201.56(b)(1))
4 deemed necessary by the prescriber.

5 (3) Obtain written consent for the prescription from the
6 [minor's] individual or, if the individual is a minor, from
7 the minor's parent or guardian or from an authorized adult.

8 The prescriber shall record the consent on the form under
9 section 52A02(b)(1) (relating to administration). The
10 following apply:

11 (i) The form must contain all of the following:

12 (A) The brand name or generic name and quantity
13 of the controlled substance containing an opioid
14 being prescribed and the amount of the initial dose.

15 (B) A statement indicating that a controlled
16 substance is a drug or other substance that the
17 United States Drug Enforcement Administration has
18 identified as having a potential for abuse.

19 (C) A statement certifying that the prescriber
20 engaged in the discussion under paragraph (2).

21 (D) The number of refills authorized by the
22 prescription under section 52A03(b) (relating to
23 prohibition).

24 (E) The signature of the [minor's] individual
25 or, if the individual is a minor, the signature of
26 the parent or guardian or of an authorized adult, and
27 the date of signing.

28 (ii) The form shall be maintained in the [minor's]
29 individual's record with the prescriber.

30 (b) Exception.--Subsection (a) does not apply if the

1 [minor's] individual's treatment with a controlled substance
2 containing an opioid meets any of the following criteria:

3 (1) The treatment is associated with or incident to a
4 medical emergency as documented in the [minor's] individual's
5 medical record.

6 (2) In the prescriber's professional judgment, complying
7 with subsection (a) with respect to the [minor's]
8 individual's treatment would be detrimental to the [minor's]
9 individual's health or safety. The prescriber shall document
10 in the [minor's] individual's medical record the factor or
11 factors which the prescriber believed constituted cause for
12 not fulfilling the requirements of subsection (a).

13 (c) Limited prescription.--If the individual who signs the
14 consent form under subsection (a) (3) is an authorized adult, the
15 prescriber:

16 (1) may prescribe not more than a single, 72-hour
17 supply; and

18 (2) shall indicate on the prescription the quantity that
19 is to be dispensed pursuant to the prescription.

20 Section 4. This act shall take effect in 180 days.