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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1005 Session of  
2021

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INTRODUCED BY COX, HEFFLEY, JAMES, KINSEY, LEWIS DELROSSO,  
MILLARD, NEILSON, STRUZZI AND ZIMMERMAN, JUNE 11, 2021

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REFERRED TO COMMITTEE ON HEALTH, JUNE 11, 2021

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AN ACT

1 Amending the act of October 27, 2014 (P.L.2911, No.191),  
2 entitled "An act providing for prescription drug monitoring;  
3 creating the ABC-MAP Board; establishing the Achieving Better  
4 Care by Monitoring All Prescriptions Program; and providing  
5 for unlawful acts and penalties," further providing for  
6 purpose, for definitions, for powers and duties of board and  
7 for establishment of program; providing for requirements for  
8 first responder agencies and hospital emergency departments;  
9 and further providing for access to prescription information.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Section 2 of the act of October 27, 2014  
13 (P.L.2911, No.191), known as the Achieving Better Care by  
14 Monitoring All Prescriptions Program (ABC-MAP) Act, is amended  
15 to read:

16 Section 2. Purpose.

17 This act is intended to increase the quality of patient care  
18 by giving prescribers and dispensers access to a patient's  
19 prescription medication history, including, but not limited to,  
20 any history of a drug-related overdose event, through an  
21 electronic system that will alert medical professionals to

1 potential dangers for purposes of making treatment  
2 determinations. The act further intends that patients will have  
3 a thorough and easily obtainable record of their prescriptions  
4 for purposes of making educated and thoughtful health care  
5 decisions. Additionally, the act seeks to aid regulatory and law  
6 enforcement agencies in the detection and prevention of fraud,  
7 drug abuse and the criminal diversion of controlled substances.

8 Section 2. Section 3 of the act is amended by adding  
9 definitions to read:

10 Section 3. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 \* \* \*

15 "Drug-related overdose event." An incidence of a physical  
16 state resulting from intentionally or unintentionally consuming  
17 or administering a toxic or otherwise harmful level of  
18 prescription medication or controlled substance that may be  
19 suspected by any of the following:

20 (1) An observation of symptoms requiring an emergency  
21 medical response.

22 (2) A clinical suspicion of a drug overdose.

23 "First responder." A firefighter, law enforcement officer or  
24 emergency medical services provider.

25 "First responder agency." A Federal, State, local  
26 governmental or nongovernmental agency that employs first  
27 responders. The term includes an emergency medical services  
28 agency as defined in 35 Pa.C.S. § 8103 (relating to  
29 definitions).

30 \* \* \*

1 "Single county authority." An agency designated to plan and  
2 coordinate drug and alcohol prevention, intervention and  
3 treatment services for a geographic area, which may consist of  
4 one or more counties, and to administer the provisions of such  
5 services funded through the agency.

6 \* \* \*

7 Section 3. Section 5(5)(v) of the act is amended and the  
8 paragraph is amended by adding subparagraphs to read:

9 Section 5. Powers and duties of board.

10 The board shall have the following powers and duties:

11 \* \* \*

12 (5) Develop policies and procedures to:

13 \* \* \*

14 (v) Aid prescribers and first responders in  
15 identifying at-risk individuals and referring them to  
16 single county authorities, drug addiction treatment  
17 professionals and programs.

18 (v.1) Aid prescribers and first responders in  
19 identifying individuals with a history of drug-related  
20 overdose events, in order to provide alternative  
21 treatment options.

22 \* \* \*

23 (xvii) Identify additional medications that could  
24 assist prescribers in making treatment options for  
25 patients who are at risk for a substance use disorder.

26 Section 4. Section 6(b)(1) of the act is amended and the  
27 subsection is amended by adding paragraphs to read:

28 Section 6. Establishment of program.

29 \* \* \*

30 (b) Program components.--The program shall:

1 (1) Provide an electronic system of controlled  
2 substances prescribed and dispensed in this Commonwealth and  
3 of drug-related overdose events that occurred in this  
4 Commonwealth.

5 \* \* \*

6 (6) Establish a protocol for hospital emergency  
7 departments and first responder agencies to ensure data  
8 submitted to the system with respect to drug-related overdose  
9 events is not duplicative.

10 (7) Provide drug-related overdose death event  
11 information, including any drugs that contributed to the  
12 overdose, on the patient's program record.

13 \* \* \*

14 Section 5. The act is amended by adding a section to read:  
15 Section 7.1. Requirements for first responder agencies and  
16 hospital emergency departments.

17 (a) Submission.--A first responder agency or hospital  
18 emergency department shall, in the format determined by the  
19 department, electronically submit drug-related overdose event  
20 information to the department.

21 (b) Data elements.--All of the following information that is  
22 available and reasonably able to be identified during a review  
23 of the individual's medical records shall be provided by a first  
24 responder agency or hospital emergency department:

25 (1) The full name, date of birth, gender and address of  
26 the individual who experienced a drug-related overdose event.

27 (2) The date and time of the drug-related overdose  
28 event.

29 (3) The address where the individual was picked up or  
30 where the drug-related overdose event took place.

1           (4) Whether an emergency opioid antagonist was  
2           administered to the individual.

3           (5) The location where the emergency opioid antagonist  
4           was administered, if available.

5           (6) The amount of emergency opioid antagonist  
6           administered, if available.

7           (7) Whether the drug-related overdose event resulted in  
8           death.

9           (8) The suspected or confirmed drug involved in the  
10          drug-related overdose event.

11          (c) Frequency.--A first responder agency or hospital  
12          emergency department shall submit all information required under  
13          subsection (b) to the program no later than 14 days after the  
14          completion of the acute episode of care.

15          (d) Definition.--As used in this section, the term  
16          "emergency opioid antagonist" means a medication approved by the  
17          United States Food and Drug Administration to reverse the  
18          effects of an opioid drug product.

19          Section 6. Section 9 heading and (b) (3) and (13) of the act,  
20          amended February 12, 2020 (P.L. 23, No.8), are amended to read:  
21          Section 9. Access to prescription information and drug-related  
22          overdose event information.

23          \* \* \*

24          (b) Authorized users.--The following individuals may query  
25          the system according to procedures determined by the board and  
26          with the following limitations:

27          \* \* \*

28                 (3) (i) The Office of Attorney General shall query the  
29                 system on behalf of all law enforcement agencies,  
30                 including, but not limited to, the Office of the Attorney

1 General and Federal, State and local law enforcement  
2 agencies for:

3 (A) Schedule II controlled substances as  
4 indicated in the act of April 14, 1972 (P.L.233,  
5 No.64), known as The Controlled Substance, Drug,  
6 Device and Cosmetic Act, and in the manner determined  
7 by the Pennsylvania Attorney General pursuant to 28  
8 Pa. Code § 25.131 (relating to every dispensing  
9 practitioner);

10 (B) all other schedules upon receipt of a court  
11 order obtained by the requesting law enforcement  
12 agency. Upon receipt of a motion under this clause,  
13 the court may enter an ex parte order granting the  
14 motion if the law enforcement agency has demonstrated  
15 by a preponderance of the evidence that:

16 (I) the motion pertains to a person who is  
17 the subject of an active criminal investigation  
18 with a reasonable likelihood of securing an  
19 arrest or prosecution in the foreseeable future;  
20 and

21 (II) there is reasonable suspicion that a  
22 criminal act has occurred.

23 (ii) Data obtained by a law enforcement agency under  
24 this paragraph shall only be used to establish probable  
25 cause to obtain a search warrant or arrest warrant.

26 (iii) Requests made to the Office of Attorney  
27 General to query the system under this paragraph shall be  
28 made in a form or manner prescribed by the Office of  
29 Attorney General and shall include the court order, when  
30 applicable. Each individual designee of the Office of

1 Attorney General shall have a unique identifier when  
2 accessing the system.

3 (iv) The Office of Attorney General shall not query  
4 the system for information regarding a drug-related  
5 overdose event.

6 \* \* \*

7 (13) (i) An authorized employee of a county or  
8 municipal health department or the Department of Health  
9 of the Commonwealth may [have access to data from] query  
10 the system if the employee has a unique identifier when  
11 accessing the system and the employee accesses the system  
12 for any of the following purposes:

13 (A) Developing education programs or public  
14 health interventions relating to specific prescribing  
15 practices, controlled substances and the prevention  
16 of fraud and abuse.

17 (B) Conducting analyses on prescribing trends in  
18 their respective jurisdictions.

19 (C) Identifying at-risk individuals for the  
20 purpose of connecting them with addiction specialists  
21 and programs, including single county authorities.

22 (D) Compiling epidemiological data to ensure the  
23 security of the system when an authorized employee of  
24 a county or municipal health department accesses the  
25 system.

26 (ii) For purposes of subparagraph (i) (A), a county  
27 or municipal health department shall implement  
28 appropriate technical and physical safeguards to ensure  
29 the privacy and security of data obtained from the  
30 system.

1 \* \* \*

2 Section 7. This act shall take effect in 180 days.