

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 452 Session of  
2007

INTRODUCED BY RAFFERTY, BOSCOLA, STOUT, KITCHEN, ERICKSON,  
MADIGAN, EARLL, BRUBAKER, COSTA, O'PAKE, GREENLEAF, MUSTO,  
MELLOW, M. WHITE, RHOADES AND WAUGH, MARCH 14, 2007

REFERRED TO JUDICIARY, MARCH 14, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for physician  
3 immunity for disclosure on controlled substances.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 8338.2. Physician immunity for disclosures on controlled  
9 substances.

10 (a) Authorization.--A physician who is licensed under the  
11 laws of this Commonwealth and practicing in this Commonwealth  
12 may report to law enforcement authorities and disclose protected  
13 health information relating to a patient if the physician has a  
14 good faith belief that the patient has used a controlled  
15 substance prescribed by the physician for an illicit purpose or  
16 is attempting to obtain a controlled substance for an illicit  
17 purpose. Patient consent or authorization to disclose protected  
18 health information under such circumstances shall not be

1 required. No physician shall have a duty to make any report  
2 permitted by this section.

3 (b) Immunity.--No physician shall be subject to  
4 administrative or civil liability by reason of disclosing  
5 protected health information for doing any of the following:

6 (1) Making a report under subsection (a).

7 (2) Cooperating with law enforcement authorities  
8 conducting an investigation related to a report made under  
9 subsection (a).

10 (3) Testifying in a proceeding related to a report made  
11 under subsection (a).

12 (c) Construction.--The immunity granted under this section  
13 shall be narrowly construed.

14 (d) Definitions.--As used in this section, the following  
15 words and phrases shall have the meanings given to them in this  
16 subsection:

17 "Controlled substance." As defined in section 2 of the act  
18 of April 14, 1972 (P.L.233, No.64), known as The Controlled  
19 Substance, Drug, Device and Cosmetic Act.

20 "Illicit purpose." The use of a controlled substance for a  
21 purpose other than that which is allowed by statutory law, case  
22 law or regulation.

23 "Protected health information." The term shall have the  
24 meaning provided under the definition of "data aggregation" in  
25 45 CFR 164.501 (relating to definitions).

26 Section 2. This act shall take effect in 60 days.