

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 196 Session of
2005

INTRODUCED BY RAFFERTY, STOUT, MUSTO, KITCHEN, RHOADES, MADIGAN,
COSTA, GREENLEAF, WOZNIAK, BOSCOLA, EARLL, ERICKSON, STACK
AND WAUGH, FEBRUARY 7, 2005

AS AMENDED ON THIRD CONSIDERATION, JUNE 30, 2005

AN ACT

1 Providing immunity for physician reporting of suspected use of
2 controlled substance for illicit purpose.

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

5 Section 1. Definitions.

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

9 "Controlled substance." The term shall have the meaning
10 provided under section 2 of the act of April 14, 1972 (P.L.233,
11 No.64), known as The Controlled Substance, Drug, Device and
12 Cosmetic Act.

13 "Illicit purpose." The use of a controlled substance for a
14 purpose other than that which is allowed by ~~law~~ STATUTORY LAW, <—
15 CASE LAW OR REGULATION.

16 "Protected health information." The term shall have the
17 meaning provided under the HIPAA privacy regulations in 45 CFR

1 164.501 (relating to definitions).

2 Section 2. Disclosures of suspected use of controlled
3 substances for illicit purpose.

4 A physician who is licensed under the laws of this
5 Commonwealth and practicing in this Commonwealth may ~~make a~~ <—
6 report to law enforcement authorities and disclose protected
7 health information relating to a patient if the physician has a
8 good faith belief that the patient has used a controlled
9 substance prescribed by the physician for an illicit purpose or
10 is attempting to obtain a controlled substance for an illicit
11 purpose. Patient consent or authorization to disclose protected
12 health information under such circumstances shall not be
13 required. No physician shall have a duty to make any report
14 permitted by this section.

15 Section 3. ~~Absolute immunity~~ IMMUNITY granted. <—

16 No physician shall be subject to administrative or civil
17 liability by reason of disclosing protected health information
18 when making a report under section 2 (relating to disclosures of
19 suspected use of controlled substances for illicit purpose), or
20 when cooperating with law enforcement authorities conducting an
21 investigation related to a report made under section 2, or when
22 testifying in a proceeding related to a report made under
23 section 2.

24 SECTION 4. CONSTRUCTION. <—

25 THE IMMUNITIES GRANTED UNDER THIS ACT SHALL BE NARROWLY
26 CONSTRUED.

27 Section 4 5. Effective date. <—

28 This act shall take effect in 60 days.