

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1347 Session of 2015

INTRODUCED BY YAW, WOZNIAK, ARGALL, SABATINA, TEPLITZ, WHITE, YUDICHAK, GREENLEAF, McGARRIGLE, GORDNER, COSTA, VANCE, FOLMER, SCAVELLO, FONTANA, MENSCH, BARTOLOTTA, RAFFERTY, VULAKOVICH, BROWNE, VOGEL, STEFANO AND RESCHENTHALER, AUGUST 5, 2016

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AUGUST 5, 2016

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
 2 entitled "An act relating to the right to practice medicine
 3 and surgery and the right to practice medically related acts;
 4 reestablishing the State Board of Medical Education and
 5 Licensure as the State Board of Medicine and providing for
 6 its composition, powers and duties; providing for the
 7 issuance of licenses and certificates and the suspension and
 8 revocation of licenses and certificates; provided penalties;
 9 and making repeals," providing for restrictions on
 10 prescribing opioids to minors.

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

13 Section 1. The act of December 20, 1985 (P.L.457, No.112),
 14 known as the Medical Practice Act of 1985, is amended by adding
 15 a section to read:

16 Section 45.1. Restrictions on prescribing opioids to minors.

17 (a) General rule.--A physician may not prescribe to a minor
 18 more than a seven-day supply of any controlled substance
 19 containing an opioid.

20 (b) Physician requirements.--Except as provided in

1 subsection (d), before issuing a minor the first prescription in
2 a single course of treatment for a controlled substance
3 containing an opioid, regardless of whether the dosage is
4 modified during that course of treatment, a physician shall:

5 (1) assess whether the minor has ever suffered or is
6 currently suffering from a mental health or substance abuse
7 disorder and whether the minor has taken or is currently
8 taking prescription drugs for treatment of those disorders;

9 (2) discuss with the minor and the minor's parent,
10 guardian or an adult authorized to consent to the minor's
11 medical treatment all of the following:

12 (i) the risks of addiction and overdose associated
13 with the controlled substance containing an opioid;

14 (ii) the increased risk of addiction to controlled
15 substances to individuals suffering from mental or
16 substance abuse disorders;

17 (iii) the dangers of taking controlled substances
18 containing an opioid with benzodiazepines, alcohol or
19 other central nervous system depressants; and

20 (iv) any other information in the patient counseling
21 information section of the labeling for controlled
22 substances containing an opioid required under 21 C.F.R.
23 201.57(c)(18) (relating to specific requirements on
24 content and format of labeling for human prescription
25 drug and biological products described in § 201.56(b)
26 (1)); and

27 (3) obtain written consent for the prescription, subject
28 to subsection (c), from the minor's parent, guardian or an
29 adult authorized to consent to the minor's medical treatment.

30 (c) Consent.--A physician shall record the consent required

1 under subsection (b) (3) on a form prescribed by the board. The
2 form shall be separate from any other document the physician
3 uses to obtain informed consent for other treatment provided to
4 the minor. The form shall contain all of the following:

5 (1) the name and quantity of the controlled substance
6 containing an opioid being prescribed and the amount of the
7 initial dose;

8 (2) a statement indicating that a controlled substance
9 is a drug or other substance that the United States Drug
10 Enforcement Administration has identified as having a
11 potential for abuse;

12 (3) a statement certifying that the physician discussed
13 with the minor and the minor's parent, guardian or an adult
14 authorized to consent to the minor's medical treatment
15 the matters described in paragraph (2);

16 (4) the number of refills, if any, authorized by the
17 prescription; and

18 (5) the signature of the minor's parent, guardian or an
19 adult authorized to consent to the minor's medical treatment
20 and the date of signing.

21 (d) Exception.--The requirements under subsection (b) do not
22 apply if the minor's treatment with a controlled substance
23 containing an opioid meets any of the following criteria:

24 (1) the treatment is associated with or incident to a
25 medical emergency; or

26 (2) in the physician's professional judgment, fulfilling
27 the requirements of subsection (b) with respect to the
28 minor's treatment would be detrimental to the minor's health
29 or safety.

30 (e) Limited prescription.--If the individual who signs the

1 consent form required under subsection (b) (3) is an adult
2 authorized to consent to the minor's medical treatment, the
3 physician shall prescribe not more than a single, 72-hour supply
4 and indicate on the prescription the quantity that is to be
5 dispensed pursuant to the prescription.

6 (f) Medical record.--A signed consent form obtained under
7 this section shall be maintained in the minor's medical record.

8 (g) Definitions.--As used in this section, the following
9 words and phrases shall have the meanings given to them in this
10 subsection unless the context clearly indicates otherwise:

11 "Adult authorized to consent to the minor's medical
12 treatment." An adult to whom a minor's parent or guardian has
13 given written authorization to consent to the minor's medical
14 treatment.

15 "Medical emergency." A situation that in a physician's good
16 faith medical judgment creates an immediate threat of serious
17 risk to the life or physical health of a minor.

18 "Minor." An individual under 18 years of age who is not
19 emancipated. For purposes of this section, an individual under
20 18 years of age is emancipated only if the individual has
21 married, has entered the armed services of the United States,
22 has become employed and self-sustaining, or otherwise has become
23 independent from the care and control of the individual's
24 parent, guardian or custodian.

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