

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 655 Session of 2017

INTRODUCED BY YAW, McGARRIGLE, BAKER, ALLOWAY, ARGALL, BARTOLOTTA, RESCHENTHALER, VULAKOVICH, LANGERHOLC, WHITE, COSTA, MENSCH, KILLION, RAFFERTY, YUDICHAK, BROWNE, BREWSTER, HUGHES, STEFANO, SCARNATI, SCAVELLO AND HAYWOOD, MAY 2, 2017

SENATOR BAKER, HEALTH AND HUMAN SERVICES, AS AMENDED, JUNE 21, 2017

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," further providing for
11 DEFINITIONS, PROVIDING FOR PENNSYLVANIA SAFE AND EFFECTIVE <--
12 OPIOID PRESCRIBING ADVISORY COUNCIL AND FURTHER PROVIDING FOR
13 promulgation of regulations.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 ~~Section 1. Section 35 of the act of April 14, 1972 (P.L.233, <--~~
17 ~~No.64), known as The Controlled Substance, Drug, Device and~~
18 ~~Cosmetic Act, is amended by adding subsections to read:~~

19 SECTION 1. SECTION 2(B) OF THE ACT OF APRIL 14, 1972 <--
20 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,
21 DEVICE AND COSMETIC ACT, IS AMENDED BY ADDING A DEFINITION TO
22 READ:

1 SECTION 2. DEFINITIONS.--* * *

2 (B) AS USED IN THIS ACT:

3 * * *

4 "ADVISORY COUNCIL" MEANS THE PENNSYLVANIA SAFE AND EFFECTIVE
5 OPIOID PRESCRIBING ADVISORY COUNCIL.

6 * * *

7 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

8 SECTION 31.1. PENNSYLVANIA SAFE AND EFFECTIVE OPIOID
9 PRESCRIBING ADVISORY COUNCIL.-- (A) THERE IS ESTABLISHED THE
10 PENNSYLVANIA SAFE AND EFFECTIVE OPIOID PRESCRIBING ADVISORY
11 COUNCIL WITHIN THE DEPARTMENT OF HEALTH.

12 (B) THE ADVISORY COUNCIL SHALL CONSIST OF THE FOLLOWING
13 MEMBERS:

14 (1) THE SECRETARY OF HEALTH OR THE SECRETARY'S DESIGNEE.

15 (2) THE SECRETARY OF HUMAN SERVICES OR THE SECRETARY'S
16 DESIGNEE.

17 (3) THE SECRETARY OF DRUG AND ALCOHOL PROGRAMS OR THE
18 SECRETARY'S DESIGNEE.

19 (4) THE SECRETARY OF AGING OR THE SECRETARY'S DESIGNEE.

20 (5) THE SECRETARY OF STATE OR THE SECRETARY'S DESIGNEE.

21 (6) THE PHYSICIAN GENERAL OR THE PHYSICIAN GENERAL'S
22 DESIGNEE.

23 (7) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

24 (I) TWO REPRESENTATIVES OF A STATEWIDE ORGANIZATION
25 REPRESENTING THE INTERESTS OF PHYSICIANS.

26 (II) TWO REPRESENTATIVES OF A STATEWIDE ORGANIZATION
27 REPRESENTING THE INTERESTS OF HOSPITALS AND HEALTH SYSTEMS.

28 (III) TWO REPRESENTATIVES OF A STATEWIDE ORGANIZATION
29 REPRESENTING THE INTERESTS OF DENTISTS.

30 (IV) TWO REPRESENTATIVES OF A STATEWIDE ORGANIZATION

1 REPRESENTING THE INTERESTS OF NURSING PROFESSIONALS.

2 (V) ONE REPRESENTATIVE OF THE DEPARTMENT OF MILITARY AND
3 VETERANS AFFAIRS.

4 (VI) ONE REPRESENTATIVE OF A REGIONAL HEALTH CARE PROVIDER
5 BASED IN WESTERN PENNSYLVANIA.

6 (VII) ONE REPRESENTATIVE OF A REGIONAL HEALTH CARE PROVIDER
7 BASED IN NORTHEASTERN PENNSYLVANIA.

8 (VIII) ONE REPRESENTATIVE OF A REGIONAL HEALTH CARE PROVIDER
9 BASED IN CENTRAL PENNSYLVANIA.

10 (IX) ONE REPRESENTATIVE OF A REGIONAL HEALTH CARE PROVIDER
11 OF OSTEOPATHIC MEDICINE BASED IN SOUTHEASTERN PENNSYLVANIA.

12 (X) ONE REPRESENTATIVE OF AN ALCOHOL AND CHEMICAL DEPENDENCY
13 TREATMENT CENTER LOCATED IN NORTHEASTERN PENNSYLVANIA.

14 (XI) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION
15 REPRESENTING FAMILY PHYSICIANS.

16 (XII) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION
17 REPRESENTING THE PROFESSION OF PSYCHIATRY.

18 (XIII) ONE REPRESENTATIVE OF A NATIONAL ORGANIZATION
19 REPRESENTING ADDICTION MEDICINE PROFESSIONALS.

20 (XIV) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION
21 REPRESENTING THE INTERESTS OF DRUG AND ALCOHOL SERVICE
22 PROVIDERS.

23 (XV) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION
24 REPRESENTING CORONERS.

25 (C) THE ADVISORY COUNCIL SHALL ELECT A CHAIRPERSON FROM
26 AMONG ITS MEMBERS.

27 (D) THE ADVISORY COUNCIL SHALL MEET UPON THE CALL OF THE
28 CHAIRPERSON, BUT NOT LESS THAN SEMIANNUALLY. A SIMPLE MAJORITY
29 OF THE MEMBERS SHALL CONSTITUTE A QUORUM.

30 (E) (1) THE MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE

1 TWO-YEAR TERMS COMMENCING WITH THE FIRST TUESDAY IN JANUARY OF
2 ODD-NUMBERED YEARS AND MAY BE REAPPOINTED UPON REELECTION TO
3 OFFICE.

4 (2) OF THE INITIAL MEMBERS APPOINTED BY THE GOVERNOR, NINE
5 MEMBERS SHALL SERVE INITIAL TERMS OF ONE YEAR, AND TEN MEMBERS
6 SHALL SERVE INITIAL TERMS OF TWO YEARS. AFTER THE INITIAL TERM,
7 AN INDIVIDUAL APPOINTED BY THE GOVERNOR SHALL SERVE FOR A TERM
8 OF THREE YEARS. INDIVIDUALS APPOINTED BY THE GOVERNOR MAY BE
9 APPOINTED TO SUCCESSIVE TERMS.

10 (F) A VACANCY ON THE ADVISORY COUNCIL SHALL BE FILLED FOR
11 THE REMAINDER OF AN UNEXPIRED TERM IN THE SAME MANNER AS THE
12 ORIGINAL APPOINTMENT. A MEMBER, UPON EXPIRATION OF THE TERM,
13 SHALL CONTINUE TO HOLD OFFICE UNTIL A SUCCESSOR IS APPOINTED.

14 (G) A MAJORITY OF THE MEMBERSHIP OF THE ADVISORY COUNCIL
15 SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS.
16 ACTION MAY BE TAKEN ON A MATTER BEFORE THE ADVISORY COUNCIL BY A
17 MAJORITY VOTE OF THE FULL MEMBERSHIP OF THE ADVISORY COUNCIL.

18 (H) AN ADVISORY COUNCIL MEMBER MAY NOT RECEIVE COMPENSATION
19 FOR HIS SERVICES, BUT SHALL BE REIMBURSED FOR ALL NECESSARY
20 TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN CONNECTION WITH
21 THE PERFORMANCE OF HIS DUTIES AS A MEMBER.

22 (I) THE ADVISORY COUNCIL SHALL EXAMINE AND MAKE
23 RECOMMENDATIONS REGARDING OPIOID PRESCRIBING AND DISPENSING
24 PRACTICES AND RELATED POLICIES IMPLEMENTED BY THE DEPARTMENT.

25 (J) THE ADVISORY COUNCIL SHALL ANNUALLY ISSUE A REPORT OF
26 ITS ACTIVITIES AND RECOMMENDATIONS TO ALL OF THE FOLLOWING:

27 (1) THE GOVERNOR.

28 (2) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
29 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE.

30 (3) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE HEALTH

1 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

2 (4) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE HUMAN
3 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

4 (5) THE SECRETARY OF HEALTH.

5 (6) THE SECRETARY OF HUMAN SERVICES.

6 (7) THE SECRETARY OF DRUG AND ALCOHOL PROGRAMS.

7 (8) THE SECRETARY OF AGING.

8 (K) THE DEPARTMENT SHALL PROVIDE ADMINISTRATIVE SUPPORT,
9 OFFICE SPACE AND ANY OTHER TECHNICAL ASSISTANCE REQUIRED BY THE
10 ADVISORY COUNCIL TO CARRY OUT ITS DUTIES.

11 SECTION 3. SECTION 35 OF THE ACT IS AMENDED BY ADDING
12 SUBSECTIONS TO READ:

13 Section 35. Promulgation of Regulations.--* * *

14 (c) The ~~secretary~~ DEPARTMENT shall promulgate in accordance <--
15 with the "Commonwealth Documents Law" regulations relating to
16 the prescription of opioids CONSISTENT WITH THE PRESCRIBING <--
17 GUIDELINES ISSUED BY THE ADVISORY COUNCIL, including:

18 (1) Opioids for treatment of chronic noncancer pain.

19 (2) Emergency department pain treatment guidelines.

20 (3) Opioids in dental practice.

21 (4) Opioid dispensing guidelines.

22 (5) Obstetrics and gynecology pain treatment.

23 (6) Geriatric pain - opioid use and safe prescribing.

24 (7) Use of addiction treatment medications in the treatment
25 of pregnant patients with opioid use disorders.

26 (8) Safe prescribing of benzodiazepines for acute treatment
27 of anxiety and insomnia.

28 (9) Safe prescribing of opioids in orthopedics and sports
29 medicine.

30 IN PROMULGATING THE REGULATIONS, THE DEPARTMENT SHALL FOLLOW <--

1 THE RECOMMENDATIONS OF THE ADVISORY COUNCIL ISSUED UNDER SECTION
2 31.1.

3 (d) Regulations under subsection (c), upon being promulgated
4 pursuant to law, shall have the force and effect of law and
5 shall be subject to sanctions by the appropriate licensing
6 boards.

7 Section 2 4. This act shall take effect in 60 days.

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