

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 683 Session of 2023

INTRODUCED BY MASTRIANO, BROOKS AND BARTOLOTTA, MAY 15, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 12, 2023

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in public safety, providing for
3 miscellaneous provisions. URINE DRUG SCREENING REQUIREMENT <--
4 AND FOR XYLAZINE AWARENESS EDUCATION.

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

7 Section 1. Title 35 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

CHAPTER 59

MISCELLANEOUS PROVISIONS

11 Sec.

12 5901. (Reserved).

13 5902. Urine drug screening requirement.

14 5903. XYLAZINE AWARENESS EDUCATION. <--

15 § 5901. (Reserved).

16 § 5902. Urine drug screening requirement.

17 (a) General rule. If a urine drug screening is conducted in <--

18 a general

1 (A) GENERAL RULE.-- <--

2 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), IF A URINE DRUG
3 SCREENING IS CONDUCTED IN AN EMERGENCY DEPARTMENT WITHIN AN
4 acute care hospital to assist in diagnosing a patient's
5 condition, the urine drug screening shall include testing for
6 fentanyl and xylazine.

7 (2) THE XYLAZINE TESTING UNDER PARAGRAPH (1) SHALL ONLY <--
8 BE REQUIRED IF TESTING IS AVAILABLE AS PART OF THE URINE DRUG
9 SCREENING PANEL.

10 ~~(b) Reporting. If the urine drug screening conducted in~~ <--

11 (B) REPORTING.-- <--

12 (1) IF THE URINE DRUG SCREENING CONDUCTED IN accordance
13 with subsection (a) detects fentanyl or xylazine, the
14 hospital EMERGENCY DEPARTMENT shall report the test results, <--
15 which shall be deidentified, to the Department of Health <--
16 through PA NEDSS.

17 ~~(c) Construction. Nothing in this section shall preclude an~~
18 ~~acute care hospital without analyzer equipment for urinalysis~~
19 ~~from utilizing fentanyl test strips or xylazine test strips in~~
20 ~~accordance with the act of April 14, 1972 (P.L.233, No.64),~~
21 ~~known as The Controlled Substance, Drug, Device and Cosmetic~~
22 ~~Act. DEPARTMENT AND SHALL PROVIDE INFORMATIONAL MATERIALS UNDER~~ <--
23 SECTION 5903(A) (2) (RELATING TO XYLAZINE AWARENESS EDUCATION).

24 (2) THE DEPARTMENT SHALL DETERMINE THE MANNER OF
25 SUBMISSION OF TEST RESULTS.

26 (3) REPORTING FOR FENTANYL AND XYLAZINE SHALL OCCUR WHEN
27 RESULTS MEET A SCREENING THRESHOLD SET BY THE DEPARTMENT.

28 (4) THE DEPARTMENT SHALL TRANSMIT NOTICE OF THE MANNER
29 OF SUBMISSION OF TEST RESULTS UNDER PARAGRAPH (2) AND THE
30 SCREENING THRESHOLD UNDER PARAGRAPH (3) TO THE LEGISLATIVE

1 REFERENCE BUREAU FOR PUBLICATION IN THE NEXT AVAILABLE ISSUE
2 OF THE PENNSYLVANIA BULLETIN.

3 (5) PRIOR TO THE TRANSMITTAL OF THE NOTICE UNDER
4 PARAGRAPH (4), THE DEPARTMENT SHALL CONSULT WITH STAKEHOLDERS
5 REGARDING THE MANNER OF SUBMISSION OF TEST RESULTS AND THE
6 SCREENING THRESHOLD.

7 (C) APPLICABILITY.--THE REQUIREMENTS OF THIS CHAPTER SHALL
8 NOT APPLY IF A HEALTH CARE PRACTITIONER OF THE EMERGENCY
9 DEPARTMENT DETERMINES THAT A POSITIVE TEST RESULT FOR FENTANYL
10 IS DUE TO A LEGALLY PRESCRIBED COURSE OF TREATMENT FOR THE
11 PATIENT. THE HEALTH CARE PRACTITIONER SHALL DENOTE THIS
12 EXCEPTION IN THE PATIENT'S MEDICAL RECORD.

13 (d) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

16 "Acute care hospital." A facility that provides inpatient
17 and outpatient hospital services and is licensed by the
18 ~~Department of Health~~ DEPARTMENT as a general or tertiary care <--
19 hospital. The term does not include a specialty hospital.

20 "Controlled substance." A drug, substance or immediate
21 precursor included in Schedules I through V of THE ACT OF APRIL <--
22 14, 1972 (P.L.233, NO.64), KNOWN AS The Controlled Substance,
23 Drug, Device and Cosmetic Act.

24 ~~"PA NEDSS." Pennsylvania's version of the National~~ <--
25 ~~Electronic Disease Surveillance System.~~

26 "DEPARTMENT." THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH. <--

27 "EMERGENCY DEPARTMENT." AN ENTITY WITHIN A HOSPITAL THAT IS
28 ORGANIZATIONALLY DISTINCT FROM OTHER OUTPATIENT FACILITIES AND
29 WHOSE PRIMARY FUNCTION IS TO PROVIDE EMERGENCY ACCIDENT OR
30 EMERGENCY MEDICAL OR SURGICAL CARE. THE TERM INCLUDES AN

1 OUTPATIENT EMERGENCY DEPARTMENT.

2 "HEALTH CARE PRACTITIONER." AS DEFINED IN SECTION 103 OF THE
3 ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
4 FACILITIES ACT.

5 "Urine drug screening." A chemical analysis intended to test
6 a patient for the presence of a controlled substance OR <--
7 XYLAZINE.

8 § 5903. XYLAZINE AWARENESS EDUCATION. <--

9 (A) POWERS AND DUTIES.--THE DEPARTMENT OF DRUG AND ALCOHOL
10 PROGRAMS, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND THE
11 DEPARTMENT OF AGRICULTURE, SHALL HAVE THE POWER AND ITS DUTY
12 SHALL BE TO:

13 (1) ENTER INTO PARTNERSHIPS WITH HEALTH CARE PROVIDERS,
14 INCLUDING PHYSICIANS AND VETERINARIANS, AND COMMUNITY-BASED
15 HEALTH CENTERS AND HOSPITALS TO EDUCATE RESIDENTS OF THIS
16 COMMONWEALTH ON THE DANGERS OF HUMAN USE OF XYLAZINE.

17 (2) CREATE INFORMATIONAL MATERIALS IN ELECTRONIC AND
18 PHYSICAL FORM, IN COORDINATION WITH THE PARTNERS DESCRIBED IN
19 PARAGRAPH (1), WHICH MAY BE DISTRIBUTED TO OR ACCESSED BY
20 RESIDENTS OF THIS COMMONWEALTH. THE INFORMATIONAL MATERIALS
21 SHALL INCLUDE:

22 (I) THE EFFECTS ON THE HUMAN BODY OF THE USE OF
23 XYLAZINE.

24 (II) HOW TO TALK TO FAMILY AND FRIENDS ABOUT THE
25 DANGERS OF HUMAN USE OF XYLAZINE.

26 (III) THE LEGITIMATE USES OF XYLAZINE FOR ANIMAL
27 USE.

28 (IV) ANY OTHER INFORMATION THAT THE DEPARTMENT OF
29 DRUG AND ALCOHOL PROGRAMS DEEMS NECESSARY TO PREPARE AND
30 EDUCATE RESIDENTS OF THIS COMMONWEALTH ON THE DANGERS OF

1 HUMAN USE OF XYLAZINE.

2 (B) EXPIRATION.--UPON A DETERMINATION BY THE SECRETARY OF
3 HEALTH THAT THE HUMAN USE OF XYLAZINE NO LONGER POSES A
4 SIGNIFICANT THREAT TO THE PUBLIC HEALTH AND SAFETY OF THE
5 COMMONWEALTH, THE SECRETARY OF HEALTH SHALL TRANSMIT NOTICE OF
6 THE DETERMINATION TO THE LEGISLATIVE REFERENCE BUREAU FOR
7 PUBLICATION IN THE NEXT AVAILABLE ISSUE OF THE PENNSYLVANIA
8 BULLETIN. THIS SECTION SHALL EXPIRE UPON PUBLICATION OF THE
9 NOTICE UNDER THIS SUBSECTION.

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