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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 320

Session of 1979

INTRODUCED BY McKINNEY, LYNCH, HANKINS AND FUMO, FEBRUARY 27, 1979

REFERRED TO PUBLIC HEALTH AND WELFARE, FEBRUARY 27, 1979

AN ACT

Relating to amygdalin (laetrile).

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

Section 1. Notwithstanding the provisions of any other laws or regulations adopted pursuant thereto, the manufacture, sale, possession or distribution of amygdalin (laetrile) pursuant to this act shall not be unlawful.

Section 2. A hospital or other health care facility shall not interfere with the physician-patient relationship by restricting or forbidding the use of amygdalin (laetrile) as an adjunct to recognized, customary or accepted modes of therapy in the treatment of any malignancy, disease, illness or physical condition when it is prescribed or administered by a physician and the patient has signed the "written informed request."

Section 3. A physician may not be subjected to disciplinary action by the State Board of Medical Education and Licensure or the State Board of Osteopathic Examiners in the Department of

State for prescribing or administering amygdalin (laetrile) to a patient under his care as an adjunct to recognized, customary or accepted modes of therapy in the treatment of any malignancy, disease, illness or physical condition if and when the patient has signed the "written informed request" as set forth in section 4.

Section 4. The "written informed request" referred to in this act shall be on a form prepared by, and obtained from, the Department of Health, shall be subject to the department's continuing jurisdiction and control concerning any changes in the "written informed request" pursuant to law and shall be in substance as follows:

WRITTEN INFORMED REQUEST FOR PRESCRIPTION
OF AMYGDALIN (LAETRILE) FOR MEDICAL TREATMENT

Patient's name: _____

Address:_____

Age:_____Sex:_____

Name and address of prescribing physician:_____

Malignancy, disease, illness or physical condition diagnosed for medical treatment by amygdalin (laetrile):

_____

_____

My physician has explained to me:

(1) That the Federal Food and Drug Administration has determined amygdalin (laetrile) to be an "unapproved new drug" and that Federal law prohibits the interstate distribution of an "unapproved new drug."

(2) That neither the American Cancer Society nor the Pennsylvania Medical Society recommends the use of amygdalin (laetrile) in the treatment of any

malignancy, disease, illness or physical condition.

(3) That there are alternative recognized treatments for the malignancy, disease, illness or physical condition from which I suffer which he has offered to provide for me including: (Here describe)

_____

_____

That notwithstanding the foregoing, I hereby request prescription and use of amygdalin (laetrile) in the medical treatment of the malignancy, disease, illness or physical condition from which I suffer.

_____

Signature of Patient

ATTEST:

_____

Prescribing Physician

A copy of such "written informed request" shall be forwarded forthwith after execution thereof to the hospital or related institution and the Department of Health for appropriate filing.

Section 5. Nothing in this act shall be construed as constituting an endorsement of amygdalin (laetrile) for the treatment of any malignancy, disease, illness or physical condition, and nothing in this act shall be construed as preventing a physician from prescribing amygdalin (laetrile) as a dietary supplement to a patient not suffering from any known malignancy, disease, illness, or physical condition.

Section 6. Nothing in this act requires any physician, any pharmacist, any pharmacy, any manufacturer or distributor to manufacture, sell or distribute amygdalin (laetrile), and

nothing requires any physician to prescribe amygdalin (laetrile) for any patient.

Section 7. (a) The Department of Health shall establish standards for the manufacture and preparation within this State of amygdalin (laetrile). The Department of Health shall adopt rules and regulations governing the production, processing, labeling, storing, handling, selling and administering of such drug. The department shall establish said standards and promulgate said rules and regulations within 90 days of the effective date of this act.

(b) If either the House of Representatives or the Senate, within 30 days of the date any standards, rules or regulations are promulgated pursuant to subsection (a), disapprove the adoption of any of the said standards, rules or regulations, such standard, rule or regulation shall not take effect.

(c) The Department of Health may set reasonable fees, to be collected from the manufacturer, for establishing and administrating standards.

Section 8. Any person who manufactures or prepares a new drug which fails to comply with the standards in this State for the manufacture of amygdalin (laetrile) shall upon conviction thereof be guilty of a misdemeanor and be sentenced to pay a fine not in excess of $5,000 or undergo imprisonment of one year or both. Each day of violation shall constitute a separate offense.

Section 9. Three years after the date of enactment of this act the Secretary of the Department of Health shall make a determination of the effectiveness of amygdalin (laetrile) in the treatment of cancer, and, if amygdalin (laetrile) is found to have no beneficial effect in the treatment of cancer, this

act shall expire.

Section 10. This act shall take effect immediately.