

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 16, 2013

SESSION OF 2013

197TH OF THE GENERAL ASSEMBLY

No. 64

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING**

PRAYER

The SPEAKER. This morning the prayer will be offered by Rev. Harry Laubach, St. Mark's Community Lutheran Church, Reeders, Pennsylvania.

REV. HARRY LAUBACH, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Almighty, gracious, compassionate, and ever-loving God, we give thanks and praise to You for the many blessings bestowed upon us, especially the gift of this Commonwealth and its people. We praise You for the specific blessing You have given these Representatives, namely the opportunity to serve the Commonwealth's people. It is indeed a sacred trust, since the people are Your children.

O God, these Representatives are also Your children, so this day we pray for Your care for them, then we pray for Your guidance. Be present with all the Representatives and their staffs, and guide them in working for what is best for the people by leading them in their deliberations so that in all their words and deeds they will be seeking, discerning, and following Your will for the benefit of all Pennsylvanians. Lead them to work together for the good of all. Give them clear insight and strong resolve to do their best. Help them to faithfully use the resources You have provided them, and as they work, let them know that they are in Your loving care. We humbly present these petitions to You, trusting in Your precious loving care for us. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, October 15, 2013, will be postponed until printed.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 162, PN 2504 (Amended) By Rep. WATSON

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in adoption, further providing for original birth record.

CHILDREN AND YOUTH.

HB 530, PN 2500 (Amended) By Rep. METCALFE

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, requiring Commonwealth agencies to procure only flags that are manufactured in the United States; and imposing a penalty.

STATE GOVERNMENT.

HB 1425, PN 1859 By Rep. HARHART

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, providing for authorization of school of cosmetology as institution of postsecondary education.

PROFESSIONAL LICENSURE.

HB 1426, PN 1860 By Rep. HARHART

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, providing for authorization of barber school as institution of postsecondary education.

PROFESSIONAL LICENSURE.

HB 1574, PN 2502 (Amended) By Rep. ROSS

An Act amending the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, further providing for purpose, for definitions, for required services, for board of directors, for contracts with practitioners, hospitals and insurance companies, for right to serve or benefits when outside the state, for supervision and for reports and examinations; and providing for applicability to limited liability companies.

COMMERCE.

HB 1575, PN 2503 (Amended) By Rep. ROSS

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for purposes of limited liability companies.

COMMERCE.

SB 732, PN 1489 (Amended) By Rep. HARHART

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for reimbursement for parts and service and for unlawful acts by manufacturers or distributors.

PROFESSIONAL LICENSURE.

RESOLUTIONS REPORTED FROM COMMITTEES

HR 456, PN 2350 By Rep. METCALFE

A Resolution memorializing the Congress of the United States to establish a special committee to investigate and report on the National Security Agency's surveillance program and recommend any necessary reforms to the Patriot Act or the conduct of the National Security Agency, the Federal Bureau of Investigation and any other agencies involved in this program.

STATE GOVERNMENT.

HR 503, PN 2501 (Amended) By Rep. BARRAR

A Resolution strongly urging the President of the United States to immediately reopen the National World War II Memorial.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1686 By Representatives SIMS, MCCARTER, FRANKEL, SANTARSIERO, BRIGGS, KIM, MUNDY, KINSEY, BROWNLEE, K. BOYLE, COHEN, HAGGERTY, MOLCHANY, YOUNGBLOOD, V. BROWN, M. DALEY, PARKER, SCHLOSSBERG, ROSS, DEAN, PAINTER, ROEBUCK, ROZZI, B. BOYLE, SCHREIBER, STURLA, McGEEHAN, BRADFORD, J. HARRIS, GAINEY, MCNEILL, O'BRIEN, SAMUELSON, THOMAS, CLAY, FREEMAN and D. MILLER

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for definitions; providing for same-sex marriages; and making a repeal.

Referred to Committee on JUDICIARY, October 16, 2013.

No. 1767 By Representatives BISHOP, V. BROWN, WATSON, MAHONEY, KORTZ, ROEBUCK, COHEN and MURT

An Act amending Titles 18 (Crimes and Offenses) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, regulating neighborhood watch groups; imposing powers and duties on the Pennsylvania State Police; establishing a fund; and making an appropriation.

Referred to Committee on JUDICIARY, October 16, 2013.

No. 1768 By Representatives AUMENT, BAKER, SWANGER, STERN, TALLMAN, CUTLER, DAVIDSON, ROCK, C. HARRIS, KAUFFMAN, HICKERNELL, DAY, READSHAW, MURT, REGAN and DENLINGER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of disrupting proceedings of house of worship; and imposing a penalty.

Referred to Committee on JUDICIARY, October 16, 2013.

No. 1769 By Representatives HICKERNELL, SCAVELLO, SWANGER, BAKER, READSHAW, KINSEY, EMRICK, COHEN, WATSON, MURT and GINGRICH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for responsible alcohol management.

Referred to Committee on LIQUOR CONTROL, October 16, 2013.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 1024, PN 1235

Referred to Committee on JUDICIARY, October 16, 2013.

SB 1042, PN 1432

Referred to Committee on HEALTH, October 16, 2013.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Speaker gives permission to the Aging and Older Adult Services Committee for a short period of time to conclude their meeting.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 79, PN 58**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 1481, PN 2160**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE**RECESS RESOLUTION
FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,
October 15, 2013

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, October 21, 2013, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, October 21, 2013, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HB 79, PN 58

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation and retirement of justices, judges and justices of the peace.

Whereupon, the Speaker, in the presence of the House, signed the same.

The SPEAKER. The House will be at ease for a few moments.

The House will come to order.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 1408, PN 2505 (Amended) By Rep. CLYMER**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for firearm safety education program.

EDUCATION.

HB 1411, PN 2506 (Amended)

By Rep. CLYMER

An Act providing for the posting of annual financial reports for public school entities, for the convening of an advisory committee, for posting of final adopted budgets for public school entities and for the Department of Education's establishment of a searchable Internet website detailing certain information concerning receipts and expenditures by public school entities.

EDUCATION.

HB 1512, PN 1993

By Rep. CLYMER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in certification of teachers, providing for minimum educational requirements; further providing for postbaccalaureate certification; providing for baccalaureate certification basic skills assessment; and further providing for disqualifications.

EDUCATION.

HB 1623, PN 2507 (Amended)

By Rep. CLYMER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for evaluation of applications for certification.

EDUCATION.

GUESTS INTRODUCED

The SPEAKER. While I have your attention, I would like to introduce some of the guests that are with us.

Up on the rostrum, I would like to introduce our Guest Chaplain's wife, Eloise Laubach. The Chaplain and his wife are guests of Representative Scavello, Representative Rosemary Brown, and Representative Carroll. Will our guests please rise. Welcome to the hall of the House.

Located to the left of the rostrum, I have the honor to welcome to the hall of the House the newly appointed commissioner of the Public Utility Commission, Gladys Brown. Commissioner Brown served as counsel for Senate Democrat leadership for over 22 years. Accompanying her are June Perry and Tom Beene of the Legislative Affairs Office, and they are here today as guests of Representative Daley and Representative Godshall. Will our guests please rise.

STATEMENT BY MR. DALEY

The SPEAKER. The Speaker recognizes the gentleman from Washington County, Mr. Daley, and the gentleman from Montgomery County, Mr. Godshall, who would like to make a few remarks under unanimous consent relative to the new PUC commissioner.

Mr. DALEY. Thank you, Mr. Speaker.

Chairman Godshall and I have a wonderful pleasure this morning, and we believe it is the first time in the history of the Commonwealth that a newly appointed PUC commissioner is brought on the floor to be introduced. It is our pleasure today to introduce you to Gladys M. Brown. She was appointed to the commission by Governor Corbett. She was confirmed by the Senate, and she was sworn in as commissioner on October 2. Many of you have known Gladys in her capacity from her

20-year tenure in the Senate, and she most recently served for Hon. Senator Jay Costa as the deputy chief counsel.

Many said that she was very much overqualified in her new role as commissioner because she received her undergraduate degree and law degree from the University of Pittsburgh. Did I say the University of Pittsburgh in western Pennsylvania? Thank you. She clerked for Judge Paul Simmons, U.S. District Court, former jurist from Washington County and a very good friend of mine; assistant counsel for the Department of State; and she worked for some of the most prestigious law firms in the Commonwealth.

Gladys's professional experiences and community involvement will undoubtedly bring a new perspective and a fresh perspective to the PUC. The work of the PUC is important and very far-reaching for every citizen of the Commonwealth of Pennsylvania. Gladys will be an absolutely excellent commissioner, and please help us welcome Gladys.

Let me just remind you that her father was from western Pennsylvania. Gladys actually went, like I said, to Pitt, but her father was from Brownsville, Pennsylvania, in Fayette County, and that is where her family comes from.

Chairman Godshall.

STATEMENT BY MR. GODSHALL

Mr. GODSHALL. Thank you.

My cochairman gave Gladys's background, and I do want to say that I met with Gladys in my office at length, and I am really looking forward to working with her. I think she is going to be an excellent addition to the PUC. I am concerned a little bit about that background being all western Pennsylvania; you know, I think we have to get her down east a little bit on occasion to make sure she knows what we are all about.

The other thing is she has been in the Senate I think most of her life, and I said this over here, this is a breath of fresh air when moving over here and working with the House.

We look forward to working with her. She is going to be an excellent addition, and I am very happy to be here to greet her and have her meet the House. Thank you.

Mr. DALEY. Thank you, Mr. Chairman.

Ladies and gentlemen – will Gladys please stand – Gladys M. Brown, your new commissioner of the PUC.

The SPEAKER. The Speaker thanks the gentlemen.

GUESTS INTRODUCED

The SPEAKER. Some additional guests that are with us today, located in the rear of the House, we would like to welcome students and administrators from Pennsylvania's Job Corps centers located in Pittsburgh, Drums, Lopez, and Philadelphia. Job Corps is the nation's largest residential education and vocational training program for youth and young adults ages 16 to 25, and they are here today as guests of Representative Pickett. Will our guests please rise. Welcome to the hall of the House.

A couple of guest pages we have with us, located in the well of the House, we would like to welcome Brooke Tallman. Brooke is in the eighth grade at Freedom Valley Christian Academy and is Representative Tallman's granddaughter. Welcome to the hall of the House.

Also in the well of the House, we would like to welcome guest page Hayley Fisher. Her parents, Ken and Kathy Fisher, are seated to the left of the rostrum, and they are here today as guests of Representative Lawrence. Will our guests please rise. Welcome to the hall of the House.

Also a guest page, the guest of Representative Neilson, here with us today is Brandon McKenna. He is a senior at Central High School, and we welcome him to the hall of the House as well.

The House will be at ease for another minute or two.

The House will come to order.

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. DAY, from Lehigh County for the day. Without objection, the leave will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the lady, Mrs. PARKER, from Philadelphia County for the day; the gentleman, Mr. WHEATLEY, from Allegheny County for the day; and the gentleman, Mr. EVANS, from Philadelphia County for the day. Without objection, the leaves will be granted.

MASTER ROLL CALL

The SPEAKER. The Speaker is about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—198

Adolph	English	Knowles	Petri
Aument	Evankovich	Kortz	Pickett
Baker	Everett	Kotik	Pyle
Barbin	Fabrizio	Krieger	Quinn
Barrar	Farina	Kula	Rapp
Benninghoff	Farry	Lawrence	Ravenstahl
Bishop	Fee	Longietti	Readshaw
Bizzarro	Fleck	Lucas	Reed
Bloom	Flynn	Mackenzie	Reese
Boback	Frankel	Maher	Regan
Boyle, B.	Freeman	Mahoney	Roae
Boyle, K.	Gabler	Major	Rock
Bradford	Gainey	Maloney	Roebuck
Briggs	Galloway	Markosek	Ross
Brooks	Gergely	Marshall	Rozzi
Brown, R.	Gibbons	Marsico	Sabatina
Brown, V.	Gillen	Masser	Saccone
Brownlee	Gillespie	Matzie	Sainato
Burns	Gingrich	McCarter	Samuelson
Caltagirone	Godshall	McGeehan	Sankey
Carroll	Goodman	McGinnis	Santarsiero
Causar	Greiner	McNeill	Saylor
Christiana	Grell	Mentzer	Scavello
Clay	Grove	Metcalfe	Schlossberg
Clymer	Hackett	Metzgar	Schreiber
Cohen	Haggerty	Miccarelli	Simmons
Conklin	Hahn	Micozzie	Sims
Corbin	Haluska	Millard	Smith
Costa, D.	Hanna	Miller, D.	Snyder
Costa, P.	Harhai	Miller, R.	Sonney

Cox	Harhart	Milne	Stephens
Cruz	Harkins	Mirabito	Stern
Culver	Harper	Miranda	Stevenson
Cutler	Harris, A.	Molchany	Sturla
Daley, M.	Harris, J.	Moul	Swanger
Daley, P.	Heffley	Mullery	Tallman
Davidson	Helm	Mundy	Taylor
Davis	Hennessey	Murt	Thomas
Dean	Hickernell	Mustio	Tobash
Deasy	James	Neilson	Toepel
DeLissio	Kampf	Neuman	Toohil
Delozier	Kauffman	O'Brien	Truitt
DeLuca	Kavulich	O'Neill	Turzai
Denlinger	Keller, F.	Oberlander	Vereb
Dermody	Keller, M.K.	Painter	Vitali
DiGirolamo	Keller, W.	Pashinski	Waters
Donatucci	Killion	Payne	Watson
Dunbar	Kim	Peifer	White
Ellis	Kinsey	Petrarca	Youngblood
Emrick	Kirkland		

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Day	Evans	Parker	Wheatley
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LEAVES ADDED—6

Aument	DeLuca	Maloney	O'Neill
Boyle, B.	Lawrence		

LEAVES CANCELED—2

Day	O'Neill
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The SPEAKER. One hundred and ninety-eight members having voted on the master roll call, a quorum is present.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Ms. PICKETT called up **HR 470, PN 2385**, entitled:

A Resolution designating Wednesday, October 16, 2013, as "Pennsylvania Job Corps Day" in Pennsylvania.

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Mr. MIRABITO called up **HR 482, PN 2472**, entitled:

A Resolution commemorating October 4, 2013, as "Manufacturing Day" in Pennsylvania.

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Ms. MUNDY called up **HR 483, PN 2473**, entitled:

A Resolution designating October 2013 as "Pennsylvania's Promise for Children Month" in Pennsylvania.

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Mr. SAYLOR called up **HR 487, PN 2446**, entitled:

A Resolution observing the month of October 2013 as "National Arts and Humanities Month" in Pennsylvania.

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Mr. WHEATLEY called up **HR 488, PN 2447**, entitled:

A Resolution designating the week of October 13 through 19, 2013, as "Homeless Children's Awareness Week" in Pennsylvania.

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Mr. WHEATLEY called up **HR 489, PN 2448**, entitled:

A Resolution designating October 17, 2013, as "Lights on Afterschool! Day" in Pennsylvania.

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Mr. BENNINGHOFF called up **HR 493, PN 2452**, entitled:

A Resolution designating November 1, 2013, as "Veterans, Record Your Discharge Day" in Pennsylvania.

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Mr. GRELL called up **HR 494, PN 2453**, entitled:

A Resolution designating October 18, 2013, as "Conflict Resolution Day" in Pennsylvania.

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Mr. READSHAW called up **HR 495, PN 2474**, entitled:

A Resolution recognizing the week of October 20 through 26, 2013, as "National Massage Therapy Awareness Week" in Pennsylvania to honor the more than 7,500 licensed massage therapists in this Commonwealth.

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Mrs. WATSON called up **HR 497, PN 2475**, entitled:

A Resolution recognizing the week of October 20 through 26, 2013, as "National Teen Driver Safety Week" in Pennsylvania.

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Mr. CAUSER called up **HR 501, PN 2478**, entitled:

A Resolution designating October 2013 as "Down Syndrome Awareness Month" in Pennsylvania.

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Mr. R. MILLER called up **HR 502, PN 2479**, entitled:

A Resolution designating the week of October 21 through 25, 2013, as "Juvenile Detention Centers Week" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence on the floor of the gentleman from Lehigh County, Mr. Day. Without objection, his name will be added back to the master roll call.

CONSIDERATION OF RESOLUTIONS PURSUANT TO RULE 35 CONTINUED

On the question recurring, Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—199

Table listing names of members who voted 'YEAS' (199 total). Includes names like Adolph, Emrick, Kirkland, Petri, etc.

NAYS—0

NOT VOTING—0

EXCUSED—3

Evans Parker Wheatley

The majority having voted in the affirmative, the question was determined in the affirmative and the resolutions were adopted.

STATEMENT BY MS. PICKETT

The SPEAKER. The Speaker recognizes the lady from Bradford County, Ms. Pickett, under unanimous consent relative to one of the resolutions just adopted.

Ms. PICKETT. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to thank all of my colleagues for that affirmative vote that designates today as "Pennsylvania Job Corps Day." We all know that one of the most challenging issues facing us in this General Assembly and in this Commonwealth and in this country is our economy and how we can make our communities and our Commonwealth marketable for business and industry.

Based on the young people I have met and the stories I have heard from all of you, I know that we have thousands of young people who are eager to enter the workforce and are anxious for a career. Sometimes, however, there are obstacles in the way and some young people may not have had as many advantages as other students, but we have a valuable resource right here in our Commonwealth to help our next generation become trained for whatever job opportunities come their way, and I am pleased to highlight this program here today.

Nearly 50 years ago the United States Department of Labor established Job Corps, established it to achieve the goal of providing hands-on training to low-income students in America's fastest growing careers. Job Corps is the nation's largest technical training and education program for low-income students between the ages of 16 and 24. An estimated 60,000 students per year benefit from the Job Corps program. They benefit by taking courses in more than 100 industries and career paths, and these include automotive, machine repair, construction, finance, business services, health care, hospitality, information technology, manufacturing, and renewable resources.

Job Corps offers students the opportunity to earn a high school diploma, and it is for those youths who do not have one at that time, and not only does this give them the education and training they need to enter the job market and to be successful, but it also gives them the encouragement they need to survive the challenges of this world today.

Mr. Speaker, I would like to take a moment to mention the four Job Corps centers in our State: the Keystone Job Corps in Drums, the one in Philadelphia, the one in Pittsburgh, and the one, Red Rock, in Lopez. And I would personally like to thank the staff and faculty at these centers for giving our bright young men and women the opportunity to succeed. We have the pleasure, as you heard earlier, of being joined by some of these students today from the Job Corps. They are sitting in the back of the hall of the House today, and I would just like to ask them to stand up one more time so that we can recognize that they are working hard to be successful in a job.

I encourage you all, if you have a few moments, to log on to the Web site of jobcorps.gov and read a few of the success stories. They include a young man from west Philadelphia, who is now the CEO (chief executive officer) of Coalition Media Group, a Beverly Hills, California, artist management and digital marketing company that includes among his clients mega music sensation Lady Gaga. I know you will all be impressed with its caliber of alumni and programs, as I have been, and I thank you, Mr. Speaker, for welcoming our Job Corps students here today.

The SPEAKER. The Speaker thanks the lady.

UNCONTESTED SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. METZGAR called up **HR 506, PN 2494**, entitled:

A Resolution recognizing the week of October 20 through 26, 2013, as "Rabbit Breeders Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	Emrick	Kirkland	Petri
Aument	English	Knowles	Pickett
Baker	Evankovich	Kortz	Pyle
Barbin	Everett	Kotik	Quinn
Barrar	Fabrizio	Krieger	Rapp
Benninghoff	Farina	Kula	Ravenstahl
Bishop	Farry	Lawrence	Readshaw
Bizzarro	Fee	Longietti	Reed
Bloom	Fleck	Lucas	Reese
Boback	Flynn	Mackenzie	Regan
Boyle, B.	Frankel	Maher	Roae
Boyle, K.	Freeman	Mahoney	Rock
Bradford	Gabler	Major	Roebuck
Briggs	Gainey	Maloney	Ross
Brooks	Galloway	Markosek	Rozzi
Brown, R.	Gergely	Marshall	Sabatina
Brown, V.	Gibbons	Marsico	Saccone
Brownlee	Gillen	Masser	Sainato
Burns	Gillespie	Matzie	Samuelson
Caltagirone	Gingrich	McCarter	Sankey
Carroll	Godshall	McGeehan	Santarsiero
Causar	Goodman	McGinnis	Saylor
Christiana	Greiner	McNeill	Scavello
Clay	Grell	Mentzer	Schlossberg
Clymer	Grove	Metcalfe	Schreiber
Cohen	Hackett	Metzgar	Simmons
Conklin	Haggerty	Miccarelli	Sims
Corbin	Hahn	Micozzie	Smith
Costa, D.	Haluska	Millard	Snyder
Costa, P.	Hanna	Miller, D.	Sonney
Cox	Harhai	Miller, R.	Stephens
Cruz	Harhart	Milne	Stern
Culver	Harkins	Mirabito	Stevenson
Cutler	Harper	Miranda	Sturla
Daley, M.	Harris, A.	Molchany	Swanger
Daley, P.	Harris, J.	Moul	Tallman
Davidson	Heffley	Mullery	Taylor
Davis	Helm	Mundy	Thomas
Day	Hennessey	Murt	Tobash
Dean	Hickernell	Mustio	Toepel

Deasy	James	Neilson	Toohil
DeLissio	Kampf	Neuman	Truitt
Delozier	Kauffman	O'Brien	Turzai
DeLuca	Kavulich	O'Neill	Vereb
Denlinger	Keller, F.	Oberlander	Vitali
Dermody	Keller, M.K.	Painter	Waters
DiGirolamo	Keller, W.	Pashinski	Watson
Donatucci	Killion	Payne	White
Dunbar	Kim	Peifer	Youngblood
Ellis	Kinsey	Petrarca	

NAYS—0

NOT VOTING—0

EXCUSED—3

Evans	Parker	Wheatley
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

HEALTH COMMITTEE MEETING

The SPEAKER. Is the gentleman from Tioga, Mr. Baker, seeking recognition to make a committee announcement? The gentleman is in order and may proceed with the announcement.

Mr. BAKER. Thank you very much, Mr. Speaker.

The Health Committee will meet immediately upon the break in room 60, East Wing, for consideration of several bills. Thank you, Mr. Speaker.

The SPEAKER. The Health Committee will meet immediately upon the break in room 60, East Wing.

LABOR AND INDUSTRY COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman from Monroe County, Mr. Scavello, for the purpose of a committee announcement.

Mr. SCAVELLO. Thank you, Mr. Speaker.

The Labor and Industry Committee will meet immediately after the break at G-50 Irvis Office Building to move a couple of pieces of legislation.

The SPEAKER. The Labor and Industry Committee will meet immediately after the break in room G-50, Irvis Office Building.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The gentleman from Delaware County, Mr. Adolph, is recognized for a committee announcement.

Mr. ADOLPH. Thank you very much, Mr. Speaker.

Mr. Speaker, there will be a House Appropriations Committee meeting at 12:15; 12:15 in the majority caucus room, House Appropriations Committee. Thank you.

The SPEAKER. The Appropriations Committee will meet at 12:15 in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER. The Speaker recognizes the lady from Susquehanna County, Ms. Major, for a caucus announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus today at 12:30. I would ask our Republican members to please report to our caucus room at 12:30. We would be prepared to come back on the floor at 2 p.m. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the gentleman from Allegheny County, Mr. Frankel, for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 12:30. Democrats will caucus at 12:30. Thank you.

RECESS

The SPEAKER. This House stands in recess until 2 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2:15 p.m.; further extended until 2:30 p.m.

AFTER RECESS**THE SPEAKER PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING****BILLS REREPORTED FROM COMMITTEE**

HB 494, PN 516 By Rep. ADOLPH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of failure of duty to report disappearance of a child.

APPROPRIATIONS.

HB 1513, PN 2492 By Rep. ADOLPH

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon.

APPROPRIATIONS.

HB 1584, PN 2166 By Rep. ADOLPH

An Act amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of waterways conservation officers and deputies and for powers and duties of enforcement officers.

APPROPRIATIONS.

SB 648, PN 1476

By Rep. ADOLPH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in enforcement, further providing for liability for actions of others.

APPROPRIATIONS.**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

HB 976, PN 1117

By Rep. SCAVELLO

An Act establishing a bill of rights for correctional officers during certain investigations by the Department of Corrections; authorizing certain civil suits by correctional officers; and providing for impact of collective bargaining agreements and for summary suspensions.

LABOR AND INDUSTRY.

HB 1502, PN 2508 (Amended)

By Rep. SCAVELLO

An Act amending the the act of October 24, 2012, (P.L.1209, No.151), known as the Child Labor Act, further providing for definitions and for occupations and establishment.

LABOR AND INDUSTRY.

HB 1567, PN 2511 (Amended)

By Rep. SIMMONS

An Act requiring health care providers to disseminate information relating to pertussis education; and imposing a duty on the Department of Health.

HEALTH.

HB 1642, PN 2509 (Amended)

By Rep. SIMMONS

An Act providing for summaries or copies of patient test results to be sent directly to a patient or the patient's designee when there is a finding of a significant abnormality; and providing for duties of the Department of Health.

HEALTH.

HB 1649, PN 2510 (Amended)

By Rep. SIMMONS

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, in regulation of professional wrestling contests and exhibitions, further providing for physician to be in attendance.

HEALTH.**SENATE MESSAGE****AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 493, PN 2493**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair is in receipt of a request for a leave of absence for the day for the gentleman, Mr. MALONEY, from Berks County, and the gentleman, Mr. O'NEILL, from Bucks County. Without objection, the leaves of absence will be so granted.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of HB 1672, PN 2428, entitled:

An Act providing for the testing of new, environmentally beneficial and energy efficient technologies within various State agencies.

On the question, Will the House agree to the bill on second consideration? Bill was agreed to.

The House proceeded to second consideration of HB 1656, PN 2276, entitled:

An Act repealing the act of December 18, 1984 (P.L.1068, No.213), entitled "An act requiring physicians to obtain informed consent from patients for treatment of breast disease."

On the question, Will the House agree to the bill on second consideration? Bill was agreed to.

The House proceeded to second consideration of SB 379, PN 1279, entitled:

An Act providing for benevolent gestures relating to medical professional liability insurance.

On the question, Will the House agree to the bill on second consideration? Bill was agreed to.

The House proceeded to second consideration of HB 1632, PN 2430, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for employment sanctions; and providing for a volunteer emergency responders employer tax credit.

On the question, Will the House agree to the bill on second consideration?

Mr. KNOWLES offered the following amendment No. A03884:

Amend Bill, page 20, line 27, by striking out "DISCRIMINATE AGAINST."

Amend Bill, page 20, line 30, by striking out "DISCRIMINATION" and inserting

Prohibition on discipline and discrimination

Amend Bill, page 21, lines 2 and 3, by striking out "OR TO OTHERWISE DISCRIMINATE AGAINST"

Amend Bill, page 21, line 10, by striking out "AS PROHIBITED" and inserting

for reasons specified

On the question, Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Knowles.

Mr. KNOWLES. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply removes language from the bill that could cause some confusion and it replaces it with clarifying language. It is my understanding that this is an agreed-to amendment, and I would ask for a "yes" vote on the amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS-197

Table with 4 columns of names: Adolph, Aument, Baker, Barbin, Barrar, Benninghoff, Bishop, Bizzarro, Bloom, Boback, Boyle, B., Boyle, K., Bradford, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Caltagirone, Carroll, Causer, Christiana, Clay, Clymer, Cohen, Conklin, Corbin, Costa, D., Costa, P., Emrick, English, Evankovich, Everett, Fabrizio, Farina, Farry, Fee, Fleck, Flynn, Frankel, Freeman, Gabler, Gainey, Galloway, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Greiner, Grell, Grove, Hackett, Haggerty, Hahn, Haluska, Hanna, Kinsey, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Lawrence, Longietti, Lucas, Mackenzie, Maher, Mahoney, Major, Markosek, Marshall, Marsico, Masser, Matzie, McCarter, McGeehan, McGinnis, McNeill, Mentzer, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, D., Petri, Pickett, Pyle, Quinn, Rapp, Ravenstahl, Readshaw, Reed, Reese, Regan, Roae, Rock, Roebuck, Ross, Rozzi, Sabatina, Saccone, Sainato, Samuelson, Sankey, Santarsiero, Saylor, Scavello, Schlossberg, Schreiber, Simmons, Sims, Smith, Snyder, Sonney

Cox	Harhai	Miller, R.	Stephens
Cruz	Harhart	Milne	Stern
Culver	Harkins	Mirabito	Stevenson
Cutler	Harper	Miranda	Sturla
Daley, M.	Harris, A.	Molchany	Swanger
Daley, P.	Harris, J.	Moul	Tallman
Davidson	Heffley	Mullery	Taylor
Davis	Helm	Mundy	Thomas
Day	Hennessey	Murt	Tobash
Dean	Hickernell	Mustio	Toepel
Deasy	James	Neilson	Toohil
DeLissio	Kampf	Neuman	Truitt
DeLozier	Kauffman	O'Brien	Turzai
DeLuca	Kavulich	Oberlander	Vereb
Denlinger	Keller, F.	Painter	Vitali
Dermody	Keller, M.K.	Pashinski	Waters
DiGirolamo	Keller, W.	Payne	Watson
Donatucci	Killion	Peifer	White
Dunbar	Kim	Petrarca	Youngblood
Ellis			

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans	O'Neill	Parker	Wheatley
Maloney			

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

RESOLUTION

Mr. R. MILLER called up **HR 425, PN 2292**, entitled:

A Resolution celebrating 25 years of successful recycling and urging the Department of Environmental Protection to review its recycling programs and report any recommendations for improvements.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Adolph	Emrick	Kinsey	Pickett
Aument	English	Kirkland	Pyle
Baker	Evankovich	Knowles	Quinn
Barbin	Everett	Kortz	Rapp
Barrar	Fabrizio	Kotik	Ravenstahl
Benninghoff	Farina	Krieger	Readshaw
Bishop	Farry	Kula	Reed
Bizzarro	Fee	Lawrence	Reese
Boback	Fleck	Longietti	Regan
Boyle, B.	Flynn	Lucas	Roae
Boyle, K.	Frankel	Mackenzie	Rock
Bradford	Freeman	Maher	Roebuck

Briggs	Gabler	Mahoney	Ross
Brooks	Gainey	Major	Rozzi
Brown, R.	Galloway	Markosek	Sabatina
Brown, V.	Gergely	Marshall	Sacone
Brownlee	Gibbons	Marsico	Sainato
Burns	Gillen	Masser	Samuelson
Caltagirone	Gillespie	Matzie	Sankey
Carroll	Gingrich	McCarter	Santarsiero
Causar	Godshall	McGeehan	Saylor
Christiana	Goodman	McNeill	Scavello
Clay	Greiner	Mentzer	Schlossberg
Clymer	Grell	Metzgar	Schreiber
Cohen	Grove	Miccarelli	Simmons
Conklin	Hackett	Micozzie	Sims
Corbin	Haggerty	Millard	Smith
Costa, D.	Hahn	Miller, D.	Snyder
Costa, P.	Haluska	Miller, R.	Sonney
Cox	Hanna	Milne	Stephens
Cruz	Harhai	Mirabito	Stern
Culver	Harhart	Miranda	Stevenson
Cutler	Harkins	Molchany	Sturla
Daley, M.	Harper	Moul	Swanger
Daley, P.	Harris, A.	Mullery	Tallman
Davidson	Harris, J.	Mundy	Taylor
Davis	Heffley	Murt	Thomas
Day	Helm	Mustio	Tobash
Dean	Hennessey	Neilson	Toepel
Deasy	Hickernell	Neuman	Toohil
DeLissio	James	O'Brien	Truitt
DeLozier	Kampf	Oberlander	Turzai
DeLuca	Kauffman	Painter	Vereb
Denlinger	Kavulich	Pashinski	Vitali
Dermody	Keller, M.K.	Payne	Waters
DiGirolamo	Keller, W.	Peifer	Watson
Donatucci	Killion	Petrarca	White
Dunbar	Kim	Petri	Youngblood
Ellis			

NAYS—4

Bloom	Keller, F.	McGinnis	Metcalfe
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NOT VOTING—0

EXCUSED—5

Evans	O'Neill	Parker	Wheatley
Maloney			

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1513, PN 2492**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

(Bill analysis was read.)

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Dunbar.

Mr. DUNBAR. Thank you, Mr. Speaker.

Tax fairness, tax certainty, those are the foundation of sound tax policy. Unfortunately, our present business privilege tax does not have this. HB 1513 will eliminate this and address these shortcomings. First off, it will eliminate the possibility of double taxation, and secondly, whenever a company is doing business in a jurisdiction that they are not physically located, it will provide clarity for when this tax can be imposed on them.

Our businesses in Pennsylvania deserve tax fairness and tax clarity. HB 1513 will provide that, and I ask for an affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—182

Adolph	Evankovich	Knowles	Pickett
Aument	Everett	Kortz	Pyle
Baker	Fabrizio	Kotik	Quinn
Barrar	Farina	Krieger	Rapp
Benninghoff	Farry	Kula	Ravenstahl
Bishop	Fee	Lawrence	Readshaw
Bizzarro	Fleck	Longiotti	Reed
Bloom	Flynn	Lucas	Reese
Boback	Freeman	Mackenzie	Regan
Boyle, B.	Gabler	Maher	Roae
Boyle, K.	Gergely	Mahoney	Rock
Brooks	Gibbons	Major	Roebuck
Brown, R.	Gillen	Markosek	Ross
Brown, V.	Gillespie	Marshall	Rozzi
Brownlee	Gingrich	Marsico	Sabatina
Burns	Godshall	Masser	Saccone
Caltagirone	Goodman	Matzie	Sainato
Carroll	Greiner	McGeehan	Samuelson
Causer	Grell	McGinnis	Sankey
Christiana	Grove	McNeill	Saylor
Clay	Hackett	Mentzer	Scavello
Clymer	Haggerty	Metcalfe	Schlossberg
Cohen	Hahn	Metzgar	Schreiber
Conklin	Haluska	Miccarelli	Simmons
Corbin	Hanna	Micozzie	Sims
Costa, D.	Harhai	Millard	Smith
Costa, P.	Harhart	Miller, D.	Snyder
Cox	Harkins	Miller, R.	Sonney
Cruz	Harper	Milne	Stephens
Culver	Harris, A.	Mirabito	Stern
Cutler	Harris, J.	Miranda	Stevenson
Daley, P.	Heffley	Molchany	Swanger
Davidson	Helm	Moul	Tallman
Day	Hennessey	Mullery	Taylor
Deasy	Hickernell	Mundy	Thomas
DeLissio	James	Murt	Thomas
Delozier	Kampf	Mustio	Toepel
DeLuca	Kauffman	Neuman	Toohil
Denlinger	Kavulich	O'Brien	Truitt
Dermody	Keller, F.	Oberlander	Turzai
DiGirolamo	Keller, M.K.	Pashinski	Vereb

Donatucci	Keller, W.	Payne	Vitali
Dunbar	Killion	Peifer	Waters
Ellis	Kim	Petrarca	Watson
Emrick	Kinsey	Petri	Youngblood
English	Kirkland		

NAYS—15

Barbin	Davis	Galloway	Santarsiero
Bradford	Dean	McCarter	Sturla
Briggs	Frankel	Neilson	White
Daley, M.	Gainey	Painter	

NOT VOTING—0

EXCUSED—5

Evans	O'Neill	Parker	Wheatley
Maloney			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 1584, PN 2166**, entitled:

An Act amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of waterways conservation officers and deputies and for powers and duties of enforcement officers.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

Adolph	Emrick	Kinsey	Petri
Aument	English	Kirkland	Pickett
Baker	Evankovich	Knowles	Pyle
Barbin	Everett	Kortz	Quinn
Barrar	Fabrizio	Kotik	Rapp
Benninghoff	Farina	Krieger	Ravenstahl
Bishop	Farry	Kula	Readshaw
Bizzarro	Fee	Lawrence	Reed
Bloom	Fleck	Longiotti	Reese
Boback	Flynn	Lucas	Regan
Boyle, B.	Frankel	Mackenzie	Roae
Boyle, K.	Freeman	Maher	Rock
Bradford	Gabler	Mahoney	Roebuck
Briggs	Gainey	Major	Ross

Brooks	Galloway	Markosek	Rozzi
Brown, R.	Gergely	Marshall	Sabatina
Brown, V.	Gibbons	Marsico	Saccone
Brownlee	Gillen	Masser	Sainato
Burns	Gillespie	Matzie	Samuelson
Caltagirone	Gingrich	McCarter	Sankey
Carroll	Godshall	McGeehan	Santarsiero
Causser	Goodman	McGinnis	Saylor
Christiana	Greiner	McNeill	Scavello
Clay	Grell	Mentzer	Schlossberg
Clymer	Grove	Metcalfe	Schreiber
Cohen	Hackett	Metzgar	Simmons
Conklin	Haggerty	Miccarelli	Sims
Corbin	Hahn	Micozzie	Smith
Costa, D.	Haluska	Millard	Snyder
Costa, P.	Hanna	Miller, D.	Sonney
Cox	Harhai	Miller, R.	Stephens
Cruz	Harhart	Milne	Stern
Culver	Harkins	Mirabito	Stevenson
Cutler	Harper	Miranda	Sturla
Daley, M.	Harris, A.	Molchany	Swanger
Daley, P.	Harris, J.	Moul	Tallman
Davidson	Heffley	Mullery	Taylor
Davis	Helm	Mundy	Thomas
Day	Hennessey	Murt	Tobash
Dean	Hickernell	Mustio	Toepel
Deasy	James	Neilson	Toohil
DeLissio	Kampf	Neuman	Truitt
Delozier	Kauffman	O'Brien	Turzai
DeLuca	Kavulich	Oberlander	Vereb
Denlinger	Keller, F.	Painter	Vitali
Dermody	Keller, M.K.	Pashinski	Waters
DiGiroloamo	Keller, W.	Payne	Watson
Donatucci	Killion	Peifer	White
Dunbar	Kim	Petrarca	Youngblood
Ellis			

NAYS-0

NOT VOTING-0

EXCUSED-5

Evans	O'Neill	Parker	Wheatley
Maloney			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **SB 648, PN 1476**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in enforcement, further providing for liability for actions of others.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

(Bill analysis was read.)

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-197

Adolph	Emrick	Kinsey	Petri
Aument	English	Kirkland	Pickett
Baker	Evankovich	Knowles	Pyle
Barbin	Everett	Kortz	Quinn
Barrar	Fabrizio	Kotik	Rapp
Benninghoff	Farina	Krieger	Ravenstahl
Bishop	Farry	Kula	Readshaw
Bizzarro	Fee	Lawrence	Reed
Bloom	Fleck	Longietti	Reese
Boback	Flynn	Lucas	Regan
Boyle, B.	Frankel	Mackenzie	Roae
Boyle, K.	Freeman	Maher	Rock
Bradford	Gabler	Mahoney	Roebuck
Briggs	Gainey	Major	Ross
Brooks	Galloway	Markosek	Rozzi
Brown, R.	Gergely	Marshall	Sabatina
Brown, V.	Gibbons	Marsico	Saccone
Brownlee	Gillen	Masser	Sainato
Burns	Gillespie	Matzie	Samuelson
Caltagirone	Gingrich	McCarter	Sankey
Carroll	Godshall	McGeehan	Santarsiero
Causser	Goodman	McGinnis	Saylor
Christiana	Greiner	McNeill	Scavello
Clay	Grell	Mentzer	Schlossberg
Clymer	Grove	Metcalfe	Schreiber
Cohen	Hackett	Metzgar	Simmons
Conklin	Haggerty	Miccarelli	Sims
Corbin	Hahn	Micozzie	Smith
Costa, D.	Haluska	Millard	Snyder
Costa, P.	Hanna	Miller, D.	Sonney
Cox	Harhai	Miller, R.	Stephens
Cruz	Harhart	Milne	Stern
Culver	Harkins	Mirabito	Stevenson
Cutler	Harper	Miranda	Sturla
Daley, M.	Harris, A.	Molchany	Swanger
Daley, P.	Harris, J.	Moul	Tallman
Davidson	Heffley	Mullery	Taylor
Davis	Helm	Mundy	Thomas
Day	Hennessey	Murt	Tobash
Dean	Hickernell	Mustio	Toepel
Deasy	James	Neilson	Toohil
DeLissio	Kampf	Neuman	Truitt
Delozier	Kauffman	O'Brien	Turzai
DeLuca	Kavulich	Oberlander	Vereb
Denlinger	Keller, F.	Painter	Vitali
Dermody	Keller, M.K.	Pashinski	Waters
DiGiroloamo	Keller, W.	Payne	Watson
Donatucci	Killion	Peifer	White
Dunbar	Kim	Petrarca	Youngblood
Ellis			

NAYS-0

NOT VOTING-0

EXCUSED-5

Evans	O'Neill	Parker	Wheatley
Maloney			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of **HB 494, PN 516**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of failure of duty to report disappearance of a child.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

(Bill analysis was read.)

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

First, I would like to congratulate the lady for her efforts on this bill. I think the concept is very sound, very worthy. I know she always does a great job for her district and the people of Pennsylvania, and I think she has taken on a very important issue – failing to report if your child is missing – and really attacked it. So I just want to congratulate her on that.

I just want to express a couple of concerns I have with the bill, because I think it probably should be tweaked just a little bit. I think the problem is failing to report your child missing after 24 hours and making that a felony of the third degree. I just think the penalty is a little strong, basically. I mean, a felony is a very serious penalty. It carries a sentence of 3 1/2 to 7 years in jail and it does not involve actually hurting a child. It is just a failure to give notice, and you might contrast that with, for example, if you endangered the welfare of a child, that would only be an M1, a misdemeanor; or if you concealed the death of a child, that would only be a misdemeanor of the first degree; or if you assaulted a child, that would only be a misdemeanor of the first degree. So I think the problem here – it is very sound, the concept of the bill. I just think making it a felony of the first degree is a little too much.

My second problem is the wording in that you might have an unsophisticated parent who might be doing lots of things with regard to the child. Maybe this child has a history of running away and so forth and you are calling your relatives, you are visiting, you are scrambling around, but maybe you simply did not call the police. That would still trigger this.

So I think the problem really is, you are creating a statute where you are exposing someone to a very steep penalty, and I think in an effort to capture that really horrible person, you are creating a net that is going to capture people who do not deserve to be given a felony of the third degree.

And I think one of the problems when you overgrade an offense is the way that guilty pleas can be coerced. You may have a parent who is, you know, charged with this, but really

feels like I have a really good defense to this. I did all sorts of good things. But having done defense law in a former life, I mean, if an attorney says, "Listen, if you take an F3 to trial and lose, you may have a good excuse, but if you take an F3 to trial and lose, you are going to jail." So the problem with overgrading an offense is it coerces guilty pleas, because innocent people cannot take the downside risk of going to trial and losing.

So I think that, again, my concern with this bill is it is a very good concept, very good effort. I just think it is graded a little too high. So I just wanted to throw that out to the chamber for their consideration.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question recurs, will the House agree to the bill?

The Chair recognizes the gentlelady, Ms. Boback.

Ms. BOBACK. Thank you, Mr. Speaker.

Thank you for your concerns, Mr. Speaker.

Just to clarify, the endangerment of a child, misdemeanor first degree, would apply to all children under the age of 18. In the case of this bill, they would be missing; they are gone for 24 hours, and they are children under the age of 14, and that is why it would be felony of the third degree.

I feel it is an appropriate sentence, but thank you for your concern, and I wanted to clarify. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

Shall the bill pass finally?

The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—195

Adolph	Ellis	Kim	Petri
Aument	Emrick	Kinsey	Pickett
Baker	English	Kirkland	Pyle
Barbin	Evankovich	Knowles	Quinn
Barrar	Everett	Kortz	Rapp
Benninghoff	Fabrizio	Kotik	Ravenstahl
Bishop	Farina	Krieger	Readshaw
Bizzarro	Farry	Kula	Reed
Bloom	Fee	Lawrence	Reese
Boback	Fleck	Longietti	Regan
Boyle, B.	Flynn	Lucas	Roae
Boyle, K.	Frankel	Mackenzie	Rock
Bradford	Freeman	Maher	Roebuck
Briggs	Gabler	Mahoney	Ross
Brooks	Gainey	Major	Rozzi
Brown, R.	Galloway	Markosek	Sabatina
Brown, V.	Gergely	Marshall	Saccone
Brownlee	Gibbons	Marsico	Sainato
Burns	Gillen	Masser	Samuelson
Caltagirone	Gillespie	Matzie	Sankey
Carroll	Gingrich	McCarter	Santarsiero
Causer	Godshall	McGeehan	Saylor
Christiana	Goodman	McGinnis	Scavello
Clay	Greiner	McNeill	Schlossberg
Clymer	Grell	Mentzer	Schreiber
Cohen	Grove	Metcalfe	Simmons
Conklin	Hackett	Metzgar	Sims
Corbin	Haggerty	Miccarelli	Smith
Costa, D.	Hahn	Micozzie	Snyder
Costa, P.	Haluska	Millard	Sonney
Cox	Hanna	Miller, D.	Stephens
Cruz	Harhai	Miller, R.	Stern

Culver	Harhart	Milne	Stevenson
Cutler	Harkins	Mirabito	Sturla
Daley, M.	Harper	Molchany	Swanger
Daley, P.	Harris, A.	Moul	Tallman
Davidson	Harris, J.	Mullery	Taylor
Davis	Heffley	Mundy	Thomas
Day	Helm	Murt	Tobash
Dean	Hennessey	Mustio	Toepel
Deasy	Hickernell	Neilson	Toohil
DeLissio	James	Neuman	Truitt
Delozier	Kampf	O'Brien	Turzai
DeLuca	Kauffman	Oberlander	Vereb
Denlinger	Kavulich	Painter	Waters
Dermody	Keller, F.	Pashinski	Watson
DiGirolamo	Keller, M.K.	Payne	White
Donatucci	Keller, W.	Peifer	Youngblood
Dunbar	Killion	Petrarca	

NAYS—2

Miranda Vitali

NOT VOTING—0

EXCUSED—5

Evans Maloney O'Neill Parker Wheatley

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of SB 358, PN 1448, entitled:

An Act requiring the notification of breast density to patients who receive a mammogram.

On the question, Will the House agree to the bill on second consideration?

Mr. CUTLER offered the following amendment No. A03909:

- Amend Bill, page 1, line 11, by inserting after "report" and any other written communication
- Amend Bill, page 2, line 1, by inserting after "report" and any other written communication provided to a patient
- Amend Bill, page 2, lines 17 and 18, by striking out all of line 17 and "HIGHLY DENSE BREASTS." in line 18

On the question, Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker. Very briefly, I would prefer to simply offer amendment 3960, if that is in order.

The SPEAKER pro tempore. You are in order, sir. Will you be withdrawing your other amendments?

Mr. CUTLER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring, Will the House agree to the bill on second consideration?

Mr. CUTLER offered the following amendment No. A03960:

- Amend Bill, page 1, line 11, by inserting after "report" and any other written communication concerning the mammography report
- Amend Bill, page 2, line 1, by inserting after "report" and any other written communication concerning the mammography report provided to a patient

On the question, Will the House agree to the amendment?

The SPEAKER pro tempore. Just for the information of the members, this replaces amendment A03912. The Chair thanks the gentleman.

On the amendment, the gentleman, Mr. Cutler, is recognized.

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, the goal of this amendment is to include the ACR, the American College of Radiology, letters that go out to mammography patients that receive the mammography reports. While it is important that we include the breast density language in the actual mammography reports, the reports themselves typically are not sent to the patients. It is the ACR letters that are sent to the patients, that are directly sent to the patient's home address.

Therefore, the addition of this language will ensure that this notice is included with the letter and that this information is actually conveyed directly to the patient, and I would appreciate an affirmative vote. I have spoken to the prime sponsor of the bill, and he is agreeable to the language.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Adolph	Emrick	Kinsey	Petri
Aument	English	Kirkland	Pickett
Baker	Evankovich	Knowles	Pyle
Barbin	Everett	Kortz	Quinn
Barrar	Fabrizio	Kotik	Rapp
Benninghoff	Farina	Krieger	Ravenstahl
Bishop	Farry	Kula	Readshaw
Bizzarro	Fee	Lawrence	Reed
Bloom	Fleck	Longietti	Reese
Boback	Flynn	Lucas	Regan

Boyle, B.	Frankel	Mackenzie	Roae
Boyle, K.	Freeman	Maher	Rock
Bradford	Gabler	Mahoney	Roebuck
Briggs	Gainey	Major	Ross
Brooks	Galloway	Markosek	Rozzi
Brown, R.	Gergely	Marshall	Sabatina
Brown, V.	Gibbons	Marsico	Saccone
Brownlee	Gillen	Masser	Sainato
Burns	Gillespie	Matzie	Samuelson
Caltagirone	Gingrich	McCarter	Sankey
Carroll	Godshall	McGeehan	Santarsiero
Causser	Goodman	McGinnis	Saylor
Christiana	Greiner	McNeill	Scavello
Clay	Grell	Mentzer	Schlossberg
Clymer	Grove	Metcalfe	Schreiber
Cohen	Hackett	Metzgar	Simmons
Conklin	Haggerty	Miccarrelli	Sims
Corbin	Hahn	Micozzie	Smith
Costa, D.	Haluska	Millard	Snyder
Costa, P.	Hanna	Miller, D.	Sonney
Cox	Harhai	Miller, R.	Stephens
Cruz	Harhart	Milne	Stern
Culver	Harkins	Mirabito	Stevenson
Cutler	Harper	Miranda	Sturla
Daley, M.	Harris, A.	Molchany	Swanger
Daley, P.	Harris, J.	Moul	Tallman
Davidson	Heffley	Mullery	Taylor
Davis	Helm	Mundy	Thomas
Day	Hennessey	Murt	Tobash
Dean	Hickernell	Mustio	Toepel
Deasy	James	Neilson	Toohil
DeLissio	Kampf	Neuman	Truitt
DeLozier	Kauffman	O'Brien	Turzai
DeLuca	Kavulich	Oberlander	Vereb
Denlinger	Keller, F.	Painter	Vitali
Dermody	Keller, M.K.	Pashinski	Waters
DiGirolamo	Keller, W.	Payne	Watson
Donatucci	Killion	Peifer	White
Dunbar	Kim	Petrarca	Youngblood
Ellis			

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans	O'Neill	Parker	Wheatley
Maloney			

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman, Mr. Turzai, for an announcement.

Mr. TURZAI. Thank you, Mr. Speaker.

There will be an immediate meeting of the Rules Committee in the majority leader's conference room, room 110 of the Capitol. We will have an immediate meeting of the Rules

Committee, room 110, majority leader's conference room. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

There will be a Rules Committee meeting immediately in room 110 of the Capitol.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Micozzie, for a committee announcement.

Mr. MICOZZIE. Thank you, Mr. Speaker.

In room 205 there will be a Transportation meeting right after adjournment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Micozzie, do you want to amend your announcement?

Mr. MICOZZIE. Yes. Mr. Speaker, I will amend my motion to have an immediate meeting in 205 of the Transportation Committee.

The SPEAKER pro tempore. Immediately?

Mr. MICOZZIE. Immediately.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Just for clarification, there will be an immediate meeting of the Transportation Committee in room 205, Ryan Office Building.

The House will be at ease.

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker recognizes the presence of the gentleman from Bucks County, Mr. O'Neill, on the floor of the House. Without objection, his name will be added back to the master roll call.

LEAVES OF ABSENCE

The SPEAKER. Additionally, the Speaker recognizes the majority whip, who requests a leave of absence for the gentleman from Chester County, Mr. LAWRENCE, for the remainder of the day. Without objection, the leave will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. Brendan BOYLE, from Philadelphia County for the remainder of the day. Without objection, the leave will be granted.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 493, PN 2493

By Rep. TURZAI

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities: further providing for definitions and for legislative procedures; providing for procedures for capital budget and for capital project itemization bill; and further providing for reports related to

redevelopment assistance capital projects and for appropriations and limitations on projects; providing for review of proposals; and further providing for funding and administration of projects.

RULES.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1706, PN 2381**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in emergency services, changing implementing authority from the Pennsylvania Emergency Management Agency to the Office of the State Fire Commissioner; further providing for assistance to volunteer fire companies, ambulance service and rescue squads and for powers and duties; and making editorial changes.

On the question, Will the House agree to the bill on second consideration?

Mr. **BAKER** offered the following amendment No. **A03813**:

Amend Bill, page 3, line 4, by striking out "\$300,000" and inserting \$200,000

On the question, Will the House agree to the amendment?

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

Mr. **BAKER**. Thank you very much, Mr. Speaker.

This is a technical amendment to fix a drafting error related to one of the loan amounts in the bill. It is my understanding this is an agreed-to amendment, and I ask the members for an affirmative vote.

Thank you, Mr. Speaker.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Table listing names of members who voted 'YEAS' (196 total). Includes names like Adolph, Aument, Baker, Barbin, Barrar, Benninghoff, Bishop, Bizzarro, Bloom, Boback, Boyle, K., Bradford, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Caltagirone, Carroll, Causer, Christiana, Emrick, English, Evankovich, Everett, Fabrizio, Farina, Farry, Fee, Fleck, Flynn, Frankel, Freeman, Gabler, Gainey, Galloway, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Kinsey, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Longiotti, Lucas, Mackenzie, Maher, Mahoney, Major, Markosek, Marshall, Marsico, Masser, Matzie, McCarter, McGeehan, McGinnis, McNeill, Petri, Pickett, Pyle, Quinn, Rapp, Ravenstahl, Readshaw, Reed, Reese, Regan, Roae, Rock, Roebuck, Ross, Rozzi, Sabatina, Saccone, Sainato, Samuelson, Sankey, Santarsiero, Saylor.

Table listing names of members who voted 'NAYS' (0 total). Includes names like Clay, Clymer, Cohen, Conklin, Corbin, Costa, D., Costa, P., Cox, Cruz, Culver, Cutler, Daley, M., Daley, P., Davidson, Davis, Day, Dean, Deasy, DeLissio, DeLozier, DeLuca, Denlinger, Dermody, DiGirolamo, Donatucci, Dunbar, Ellis, Greiner, Grell, Grove, Hackett, Haggerty, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, A., Harris, J., Heffley, Helm, Hennessey, Hickernell, James, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Killion, Kim, Mentzer, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, D., Miller, R., Milne, Mirabito, Miranda, Molchany, Moul, Mullery, Mundy, Murt, Mustio, Neilson, Neuman, O'Brien, O'Neill, Oberlander, Painter, Pashinski, Payne, Peifer, Petrarca, Scavello, Schlossberg, Schreiber, Simmons, Sims, Smith, Snyder, Sonney, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vitali, Waters, Watson, White, Youngblood.

NAYS—0

NOT VOTING—0

EXCUSED—6

Table listing names of members who were 'EXCUSED' (6 total). Includes names like Boyle, B. Evans, Lawrence Maloney, Parker, Wheatley.

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question, Will the House agree to the bill on second consideration as amended? Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 1694, PN 2353**, entitled:

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, establishing the Pharmaceutical Accountability Monitoring System; abrogating a regulation; and imposing penalties.

On the question, Will the House agree to the bill on second consideration?

Mr. **BAKER** offered the following amendment No. **A03896**:

Amend Bill, page 1, lines 9 through 18; pages 2 through 23, lines 1 through 30; page 24, lines 1 through 18, by striking out all of said lines on said pages and inserting

CHAPTER 27 PHARMACEUTICAL ACCOUNTABILITY MONITORING SYSTEM

Sec.

2701. Short title of chapter.

2702. Purpose.

2703. Scope of chapter.

2704. Definitions.

2705. Advisory committee.

2706. Establishment of Pharmaceutical Accountability Monitoring System.

2707. Requirements for Pharmaceutical Accountability Monitoring System.

2708. Access to PAMS information.

2709. Unlawful acts and penalties.

2710. Education and treatment.

2711. Immunity.

2712. Additional provisions.

2713. Use of money collected.

2714. Rules and regulations.

2715. Evaluation, data analysis and reporting.

2716. Concurrent jurisdiction.

2717. Nonapplicability.

2718. Expiration of chapter and expungement.

§ 2701. Short title of chapter.

This chapter shall be known and may be cited as the Pharmaceutical Accountability Monitoring System Act.

§ 2702. Purpose.

The purpose of this chapter is to reduce the abuse of controlled substances and fraud by providing a tool that will ensure that practitioners making prescribing decisions have complete and reliable information about what, if any, other prescription drugs have recently been prescribed to their patients. It is the purpose of this act to provide reporting mechanisms, with full confidentiality protections, in which dispensers report prescription information to a central repository, in order to identify ultimate user and practitioner behaviors that give rise to a reasonable suspicion that prescription drugs are being inappropriately obtained or prescribed, so that appropriate ameliorative and corrective action, including treatment for individuals suffering from drug and alcohol addiction, may be taken. This chapter is further intended to help detect, refer to regulatory agencies and deter prescription drug fraud and diversion.

§ 2703. Scope of chapter.

This chapter is intended to improve the Commonwealth's ability to enable informed and responsible prescribing and dispensing of controlled substances and to reduce diversion and misuse of such drugs in an efficient and cost-effective manner that will not impede the appropriate medical utilization of licit controlled substances.

§ 2704. Definitions.

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

"Active investigation." An investigation that is being conducted with a reasonable suspicion that it could lead to the filing of administrative, civil or criminal proceedings, or that is ongoing and continuing and for which there is a reasonable suspicion of securing an arrest or prosecution in the foreseeable future.

"ASAP." The American Society for Automation in Pharmacy.

"Controlled substance." A drug, substance or immediate precursor included in Schedule II, III, IV or V of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or the Controlled Substances Act (Public Law 91-513, 84 Stat. 1236).

"Continuing care provider." A facility licensed by the Department of Insurance under the act of June 18, 1984 (P.L.391, No.82), known as the Continuing-Care Provider Registration and Disclosure Act.

"Database." The Pharmaceutical Accountability Monitoring System established in section 2706 (relating to establishment of Pharmaceutical Accountability Monitoring System).

"Department." The Department of Drug and Alcohol Programs.

"Dispense." To deliver a controlled substance, other drug or

device to an ultimate user by or pursuant to the lawful order of a practitioner.

"Dispenser." A practitioner who dispenses in this Commonwealth, including mail order and Internet sales of pharmaceuticals. The term does not include any of the following:

(1) The use of such substances on the order of a practitioner for the purpose of treating patients who are inpatient at a licensed hospital, a licensed ambulatory care facility, a continuing care provider or a licensed long-term care nursing facility.

(2) A licensed provider under the LIFE program.

(3) A licensed health care facility or long-term care pharmacy that distributes such substances for the purpose of inpatient hospital or long-term care facility administration.

(4) A practitioner or other authorized person who administers such a substance.

(5) A wholesale distributor of a controlled substance.

(6) A hospice care provider in the course of providing hospice care.

(7) A medical practitioner at a health care facility licensed by this Commonwealth if the quantity of controlled substances dispensed is limited to an amount adequate to treat the patient for a maximum of 24 hours with not more than two 24-hour cycles within any 15-day period.

"Dispensing veterinarian." A veterinarian who dispenses in this Commonwealth.

"Internet pharmacy." A person, entity or Internet site, whether in the United States or abroad, that knowingly or intentionally delivers, distributes or dispenses, or offers or attempts to deliver, distribute or dispense a controlled substance by means of the Internet, including a pharmacy.

"Licensed addiction treatment program." An alcohol and other drug addiction treatment program licensed by the department.

"Licensed health care facility." A health care facility that is licensed under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, or a personal care home or assisted living residence that is licensed under Article X of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

"LIFE." The program of medical and supportive services known as Living Independently for Elders.

"Mail-order pharmacy." A pharmacy that dispenses controlled substances using the United States Postal Service or any express delivery service.

"NDC." The National Drug Code.

"NPI." The National Provider Identifier.

"PAMS." The Pharmaceutical Accountability Monitoring System established in section 2706 (relating to establishment of Pharmaceutical Accountability Monitoring System) or its successor.

"Practitioner." The term shall mean:

(1) a physician, dentist, pharmacist, podiatrist, physician assistant, certified registered nurse practitioner, optometrist, dispensing veterinarian or other person licensed, registered or otherwise permitted to distribute, dispense or to administer a controlled substance, other drug or device in the course of professional practice or research in this Commonwealth; or

(2) a pharmacy, hospital, clinic or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance, other drug or device in the course of professional practice or research in this Commonwealth.

"Ultimate user." A person who lawfully possesses a controlled substance, other drug, device or cosmetic for his own use or for the use of a member of his household or for administering to an animal in his care.

§ 2705. Advisory committee.

(a) Establishment.—An advisory committee is established to provide input and advice to the department regarding the establishment and maintenance of PAMS, including, but not limited to:

(1) The use of PAMS to improve patient care, to identify and address addiction and to facilitate the goal of reducing misuse, abuse, overdose, addiction to and diversion of controlled substances and drugs of concern.

(2) Safeguards for the release of information to persons authorized to access PAMS in accordance with section 2708 (relating to access to PAMS information).

(3) The confidentiality of prescription monitoring information and the integrity of the patient's relationship with the patient's health care provider.

(4) The development of criteria for referring prescription monitoring information to a professional licensing agency.

(5) The development of criteria for referring a practitioner to a professional licensing agency or impaired professionals association.

(6) The design and implementation of training, education or instruction.

(7) The provision of assessment and referral to alcohol and other drug addiction treatment as part of any other requirements of this chapter.

(8) The development of technical standards for electronic reporting of prescription monitoring information.

(9) The maintenance of technological improvements to facilitate the interoperability of PAMS with other State prescription drug monitoring programs and electronic health information systems and to facilitate practitioners' access to and use of PAMS.

(10) The proper analysis and interpretation of prescription monitoring information.

(11) The design and implementation of an evaluation component.

(12) Recommended appointments to the advisory committee.

(b) Confidentiality.—For the purpose of providing input and advice pursuant to subsection (a), no advisory committee member shall receive prescription monitoring information which identifies, or could reasonably be used to identify, the ultimate user or practitioner who is the subject of the information. Notwithstanding any other law to the contrary, any and all meetings of the PAMS advisory committee are to be considered confidential and closed to the public. Members and staff shall maintain strict standards of confidentiality in the handling of all matters before the advisory committee. In addition, all relevant Federal and State laws regarding patient privacy and confidentiality will be adhered to. All material and information, regardless of form, medium or method of communication provided to or acquired by an advisory committee member or staff in the course of the advisory committee's work, shall be regarded as confidential information, shall not be disclosed and are not public records. In addition, all material and information, regardless of form, medium or method of communication, made or generated by a member of department staff in the course of the advisory committee's work, shall be regarded as confidential information and shall not be disclosed and are deemed not to be a public record. All necessary steps shall be taken by members and staff to safeguard the confidentiality of such material or information in conformance with Federal and State law.

(c) Membership.—

(1) The department shall establish an advisory committee comprised of the following:

(i) A representative recommended by the Department of State representing the State Board of Medicine, the State Board of Nursing and the State Board of Veterinary Medicine.

(ii) A representative recommended by the State Board of Pharmacy.

(iii) A representative recommended by the Attorney General.

(iv) Two physicians recommended by the Pennsylvania Medical Society, one of whom holds

membership in the American Society of Addiction Medicine and the other who is a physician with expertise in chronic pain management and treatment.

(v) A physician who is a member of the Pennsylvania Psychiatric Society specializing in addiction psychiatry.

(vi) A representative recommended by the Pennsylvania District Attorneys Association.

(vii) A representative recommended by the Pennsylvania Coroners Association.

(viii) A representative recommended by the Drug and Alcohol Service Providers Organization of Pennsylvania.

(ix) A representative of chronic pain patients recommended by a physician with expertise in chronic pain management.

(x) A representative of veterinary medicine with dispensing practice recommended by the Pennsylvania Veterinary Medical Association.

(xi) A representative of pharmacies recommended by the Pennsylvania Association of Chain Drug Stores.

(xii) A representative of pharmacies recommended by the Pennsylvania Pharmacists' Association.

(xiii) A representative recommended by the Pennsylvania State Nurses Association.

(2) The department may also seek input from persons with recognized expertise, knowledge and experience in the establishment and maintenance of prescription monitoring programs, skills and expertise in alcohol and other drug addiction assessment and referral to addiction treatment or issues involving the misuse, abuse or diversion of, or the addiction to, controlled substances.

(d) Quorum.—Nine members of the advisory committee shall constitute a quorum for the transaction of all business. The members shall elect a chairman and such other officers as deemed necessary whose duties shall be established by the advisory committee. The department shall convene the advisory committee at least quarterly using telecommunication whenever possible.

(e) Staff assistance.—The department shall provide the advisory committee with any staff services which may be necessary for the advisory committee to carry out its duties under this chapter.

§ 2706. Establishment of Pharmaceutical Accountability Monitoring System.

(a) General rule.—With the input and advice of the advisory committee, the department shall establish and administer the Pharmaceutical Accountability Monitoring System (PAMS) for monitoring all controlled substances that are dispensed by dispensers or dispensing veterinarians within this Commonwealth, including, but not limited to, those dispensed to a person or shipped to an address within this Commonwealth. The system shall comply with the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936) as it pertains to protected health information (PHI) and electronic protected health information (EPHI), as well as all other relevant Federal and State privacy and security laws and regulations.

(b) Disclosure.—Each practitioner shall disclose to all persons for whom a controlled substance is prescribed that the identifying prescription information will be entered into the PAMS when the controlled substance is dispensed and may be accessed only for limited purposes by specified individuals.

(c) Data compliance.—Data required by this section shall be submitted in compliance with this section to the department by the pharmacy or other dispensing entity.

(d) Registration.—Each dispenser, practitioner and person designated by each dispenser and practitioner in accordance with section 2707(d) (relating to requirements for Pharmaceutical Accountability Monitoring System) shall register with and establish a

user name and personal identification number that permits access to the secure website housing PAMS established by this chapter.

§ 2707. Requirements for Pharmaceutical Accountability Monitoring System.

(a) Submission.—The dispenser shall, regarding each controlled substance dispensed, submit by electronic means, using the most current version of the ASAP prescription monitoring program web service standard, to the department the following information using methods of transmission protocols and in a format established by the department:

- (1) Full name of the prescribing practitioner.
- (2) Prescriber Drug Enforcement Agency (DEA) registration number.
- (3) Date the prescription was written.
- (4) Date the prescription was dispensed.
- (5) Full name, date of birth, gender and address of the patient for whom the prescription was written and dispensed.
- (6) The NDC.
- (7) Quantity and days' supply.
- (8) Name of the pharmacy or other entity dispensing the controlled substance.
- (9) Dispensing entity's DEA registration number and NPI.
- (10) Source of payment for the prescription.

At the start up of the program, the most current version of the ASAP prescription monitoring program standard shall be used and updates are only required when substantive changes are made to the standard.

(b) Veterinary dispensers.—The dispensing veterinarian shall, regarding each controlled substance dispensed, submit by electronic mail to the department the following information:

- (1) Pet's name.
- (2) Owner's name.
- (3) Pet's or owner's address.
- (4) Practice's name.
- (5) Dispensing veterinarian's name.
- (6) DEA license number.
- (7) Date the prescription was written.
- (8) Date the prescription was dispensed.
- (9) Name of the controlled substance.
- (10) Quantity and strength of the medication.
- (11) Dosage and frequency of the medication.

(c) Frequency.—

(1) Each dispenser shall submit the information required by this chapter not later than seventy-two hours after the dispensing of a controlled substance monitored by PAMS. The department shall implement a real-time reporting requirement as expeditiously as possible.

(2) Each dispensing veterinarian shall submit the information required by this chapter within six months of dispensing a controlled substance monitored by PAMS to the department.

(d) Maintenance.—The department shall maintain PAMS in an electronic file or by other means established by the department to facilitate use of the database.

(e) Recordkeeping.—The department shall maintain a record of PAMS queries for reference, including:

- (1) Identification of each person who requests or receives information from PAMS.
- (2) The information provided to each person.
- (3) The date and time the information is requested and provided.

(4) In the event that a request was made by the Office of Attorney General on behalf of Federal or State law enforcement officials, the name shall be listed as "OAG" so the names of law enforcement officials remain confidential.

(f) Expungement.—The department shall remove from PAMS all information identifying the ultimate user or practitioner more than six years old from the date of collection. Such information shall then be

destroyed unless a law enforcement agency or a professional licensing or certification agency or board for prescribers or dispensers has submitted a written request to the department for retention of specific information. All requests shall comply with procedures adopted by the department.

§ 2708. Access to PAMS information.

(a) General rule.—All information entered into the database or otherwise submitted to the department and records of requests to query the data shall be confidential and not subject to disclosure under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(b) Privacy procedures.—

(1) The department shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, entered, transmitted and maintained is not disclosed to persons except those enumerated in subsections (e) and (f).

(2) All transmissions of data under this section shall comply with relevant Federal and State privacy and security laws and regulations.

(c) Investigations.—The department shall not disclose the existence of an active investigation.

(d) Database queries.—In addition to the department:

(1) A practitioner may query the database for the following information about an existing patient:

(i) A practitioner or one person employed, designated and supervised by a practitioner pursuant to criteria established by the department to the extent that the information relates to a current patient of the practitioner or dispensing veterinarian to whom the practitioner or dispensing veterinarian is prescribing or considering prescribing any controlled substance.

(ii) A pharmacist or designated pharmacy associate under the supervision of the pharmacist, designated by the pharmacist pursuant to criteria established by the department, having authority to dispense controlled substances to the extent the information relates specifically to a current patient to whom that pharmacist is dispensing or considering dispensing any controlled substance.

(2) A practitioner may query the database for prescriptions written using his or her own Drug Enforcement Agency number.

(e) Information.—Upon written request, in the manner and form required by the department, information contained in PAMS shall be made available by the department only to the following persons and in accordance with department regulations:

(1) Authorized personnel of the department who are specifically assigned to conduct internal reviews related to controlled substances laws under the jurisdiction of the department.

(2) Authorized personnel of the department who are engaged in analysis of controlled substance prescription information as a part of the assigned duties and responsibilities of their employment.

(3) Researchers for the purpose of bona fide research or education. All information that would identify the ultimate user or practitioner shall be deleted or redacted from such information prior to disclosure. Release of the information shall only be made pursuant to a written agreement between such researcher and the department in order to ensure compliance with this chapter.

(4) A designated representative from the Commonwealth or out-of-State agency or board responsible for licensing or certifying practitioners who is involved in a bona fide investigation of a prescriber, dispensing veterinarian or dispenser whose professional practice was or is regulated by that agency or board.

(5) A coroner for the purpose of investigating the death of an individual.

(6) A designated prescription monitoring official of a state with which this Commonwealth has an interoperability agreement may access prescription monitoring information in accordance with the provisions of this chapter.

(7) An individual about whom information has been entered into PAMS upon providing evidence satisfactory to the department that the individual requesting the information is in fact the person about whom the data entry was made.

(8) Authorized personnel of the Department of Public Welfare engaged in the administration of the medical assistance program, authorized personnel of the Insurance Department engaged in the administration of the Children's Health Insurance Program (CHIP) and authorized personnel of the Department of Aging engaged in the administration of the Pharmaceutical Assistance Contract for the Elderly program.

(f) Dispenser access.—No person shall knowingly hinder a practitioner who is eligible to receive information from PAMS from requesting and receiving such information in a timely fashion.

(g) Law enforcement access.—

(1) The Office of Attorney General shall submit requests for information from PAMS to the department on behalf of all law enforcement agencies, including, but not limited to, the Office of Attorney General and Federal, State and local law enforcement agencies, as well as an Attorney General or similar official from another state. The department shall provide the Office of Attorney General access to information as follows:

(i) Upon request of the Office of Attorney General, the department shall provide information from PAMS in relation to a controlled substance on Schedule II of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(ii) If the Attorney General determines that information in PAMS is relevant to an active investigation, upon request of the Office of Attorney General, the department shall provide the office access to information from PAMS in relation to a controlled substance on Schedules III, IV and V of The Controlled Substance, Drug, Device and Cosmetic Act only as it relates to persons who are the subject of the active investigation.

(2) The department may provide access to information from PAMS to a grand jury empaneled to investigate a criminal violation of a law governing controlled substances, including, but not limited to, violations of The Controlled Substance, Drug, Device and Cosmetic Act, and to investigate insurance, Medicare or Medicaid fraud.

(3) Law enforcement officials may only use PAMS data to aid in establishing probable cause in order to obtain a search or arrest warrant.

§ 2709. Unlawful acts and penalties.

(a) Unlawful acts.—A person commits an offense when the person:

(1) Knowingly, intentionally or negligently uses, releases, publishes or otherwise makes available any information obtained from PAMS for any purpose other than those specified in section 2708 (relating to access to PAMS information).

(2) Obtains or attempts to obtain information from PAMS by misrepresentation or fraud.

(3) Obtains or attempts to obtain information from PAMS for a purpose other than a purpose authorized by this chapter or by department regulations.

(b) Grading.—A person who violates subsection (a)(1), (2) or (3) commits a felony of the third degree and shall, upon conviction, be sentenced to pay a fine of not less than \$5,000 or to imprisonment for not more than 90 days, or both.

(c) Civil violation.—The procedure for determining a civil violation of this subsection shall be in accordance with department

regulations. Civil penalties assessed under this subsection shall be deposited in the General Fund, appropriated to the department and dedicated to PAMS operations.

(d) Failure to submit.—The failure of a dispenser or dispensing veterinarian to submit information to PAMS as required under this section, after the department has submitted a specific written request for the information or when the department determines the individual has a demonstrable pattern of failure to submit the information as required, is grounds for the appropriate licensing board to take the following action in accordance with the appropriate licensing act:

(1) Prohibit an Internet pharmacy from conducting business in this Commonwealth.

(2) Refuse to issue a license to the individual.

(3) Refuse to renew the individual's license.

(4) Revoke or suspend the license.

(5) Restrict or place on probation the licensee.

(6) Issue a public or private reprimand to the individual.

(7) Issue a cease and desist order.

(8) Impose a civil penalty of not more than \$1,000 for each failure to submit information required by this act.

(9) Authorize any other action under the appropriate licensing act.

(e) Medical record.—Nothing in this section shall prohibit a practitioner from maintaining a PAMS patient report as part of the patient's medical record.

§ 2710. Education and treatment.

(a) General rule.—With the input and advice of the advisory committee, the department shall:

(1) assist the appropriate agency, board or association for each category of person authorized to contribute or access information from PAMS to incorporate the appropriate information regarding PAMS into the training, education or instruction provided to each category of authorized user;

(2) assist the State or regional chapter of the American Society of Addiction Medicine, the Pennsylvania Medical Society, the Pennsylvania Psychiatric Society, the Pennsylvania Veterinary Medical Association, the Pennsylvania Academy of Family Physicians and the Pennsylvania Coalition of Nurse Practitioners to develop a continuing education course for health care professionals on prescribing practices, pharmacology and identification, referral and treatment of patients addicted to or abusing controlled substances monitored by PAMS; and

(3) implement, or assist other appropriate agencies to implement, an educational program to inform the public about the use, diversion and abuse of, addiction to and treatment for the addiction to the controlled substances monitored by PAMS, including the nature and scope of PAMS.

(b) Referral and notification.—In accordance with criteria established by the advisory committee in section 2705(a) (relating to advisory committee), the department shall:

(1) Refer a practitioner it has reasonable suspicion to believe may be impaired to the appropriate impaired professionals associations to provide intervention, assessment and referral to alcohol and other drug addiction treatment programs, including ongoing monitoring and follow-up.

(2) Notify the appropriate licensing agency or board.

(c) Identification.—With the input and advice of the advisory committee, the department shall work with the patient's individual practitioner and the appropriate alcohol and other drug addiction treatment professionals to provide that patients identified through PAMS as potentially addicted to a controlled substance are assessed and referred to a licensed addiction treatment program.

§ 2711. Immunity.

An individual who has submitted to or received information from PAMS in accordance with section 2706 (relating to establishment of Pharmaceutical Accountability Monitoring System) may not be held civilly liable or disciplined in a licensing board action for having submitted the information or for not seeking or obtaining information

from the prescription monitoring program prior to prescribing or dispensing a controlled substance to an ultimate user except as otherwise determined by a licensing agency or board or as set forth in this chapter.

§ 2712. Additional provisions.

(a) Funding.—A practitioner or a pharmacist shall not be required to pay a fee or tax specifically dedicated to establishment, operation or maintenance of the system.

(b) Costs.—All internal costs associated with recording and submitting data as required in this section shall be assumed by the submitting dispenser.

(c) Use of data.—Except as provided in subsection (d), data provided to, maintained in or accessed from PAMS that may be identified to, or with, a particular person is not subject to discovery, subpoena or similar compulsory process in any civil, criminal, judicial, administrative or legislative proceeding, nor shall any individual or organization with lawful access to the data be compelled to testify with regard to the data.

(d) Exceptions.—The restrictions in subsection (c) do not apply to a civil, judicial or administrative action brought to enforce the provisions of this chapter.

§ 2713. Use of money collected.

(a) General rule.—The department may use the moneys deposited in the General Fund and appropriated to the department for the following purposes:

(1) Maintenance and replacement of PAMS equipment, including hardware and software.

(2) Training of staff.

(3) Pursuit of grants and matching funds.

(4) Implementing and complying with the provisions of this chapter.

(b) Collections.—The department may collect any penalty imposed under section 2709 (relating to unlawful acts and penalties) and which is not paid by bringing an action in the court of common pleas of the county in which the person owing the debt resides or in the county where the department is located.

(c) Legal assistance.—The department may seek legal assistance from the Attorney General or district attorney of the county in which the action is brought to collect the fine.

(d) Attorney fees and costs.—The court shall award reasonable attorney fees and costs to the department, the Attorney General or the district attorney of the county in which the action is brought to collect the fine for successful collection actions under section 2709 (relating to unlawful acts and penalties).

§ 2714. Rules and regulations.

With input and advice from the advisory committee, the department shall promulgate rules and regulations setting forth the procedures and methods for implementing this chapter. At a minimum, the rules and regulations shall include the following:

(1) Effectively enforce the limitations on access to PAMS prescribed in section 2708 (relating to access to prescription information).

(2) Establish standards and procedures to ensure accurate identification of individuals requesting information or receiving information from PAMS.

(3) Allow adequate time following implementation of this chapter for dispensers, dispensing veterinarians and practitioners to make the changes to their operational systems necessary to comply with this chapter.

(4) Allow for dispensers and dispensing veterinarians to have ease of transition to comply with the requirements of the Pharmaceutical Accountability Monitoring System.

(5) Not place an undue burden on law enforcement seeking information related to an investigation.

(6) Practitioners shall not be held liable for failure to comply with PAMS requirements until all changes are fully operational and practitioners have had adequate time to make necessary adjustments to operating systems and to receive

training to fully accommodate such changes upon promulgation of the regulations, but not later than one year after the effective date of this chapter.

(7) Dispensers and dispensing veterinarians who can show good cause for not submitting data electronically may be authorized to submit data manually if they lack Internet access.

§ 2715. Evaluation, data analysis and reporting.

(a) General rule.—With input and advice from the advisory committee, the department shall design and implement an evaluation component to identify:

(1) cost benefits of PAMS;

(2) the impact on efforts to reduce misuse, abuse, overdose and diversion of, and addiction to, controlled substances;

(3) the impact on prescribing practices for controlled substances;

(4) the number of individuals identified through PAMS as potentially addicted to a controlled substance that were assessed for alcohol and other drug addictions;

(5) the number of individuals in paragraph (4) that were referred for alcohol and other drug addiction treatment and the names of the licensed addiction treatment programs in which the individuals were treated;

(6) the progress made in implementing real-time reporting; and

(7) other information relevant to policy, research and education involving controlled substances and drugs of concern monitored by PAMS.

(b) Annual report.—The department shall annually report the information specified in subsection (a) to the Public Health and Welfare Committee of the Senate, the Human Services Committee of the House of Representatives, the United States Department of Justice, the Substance Abuse and Mental Health Services Administration of the Office of National Drug Control Policy and members of Pennsylvania's United States Congressional delegation. Additionally, the department shall make the annual report available to the public on its publicly accessible Internet website.

(c) Evaluation.—Within six years of the effective date of this act, the department shall submit to the chairman and minority chairman of the Public Health and Welfare Committee of the Senate and the chairman and minority chairman of the Human Services Committee of the House of Representatives, a written report containing information regarding the collection of data within PAMS. The report must include, but need not be limited to, the following information pertaining to the data collected within PAMS since its inception:

(1) The number of times information from PAMS has been illegally accessed.

(2) The number of times a patient's privacy or confidentiality was compromised through use of the system.

(3) The number of times the security of the PAMS database has been breached by hackers operating under malicious purposes.

(4) A comparison of the rate of death by accidental overdose before the implementation of PAMS and the rate of death by accidental overdose after the implementation of PAMS.

(5) The rate by which practitioners are utilizing PAMS to query patients identified as being potentially addicted to a controlled substance through PAMS for referral to alcohol and other drug addiction treatment programs.

(6) The cost effectiveness of the frequency of data submission.

(7) Any impact on efforts to reduce misuse, abuse, overdose and diversion of, or addiction to, controlled substances.

(8) Any impact on prescribing practices for controlled substances.

(9) The number of patients that were referred for alcohol and other drug addiction treatment.

(10) The effectiveness of the interoperability with other

states.

(11) Recommendations for updates and improvements to this chapter or other law.

§ 2716. Concurrent jurisdiction.

The Attorney General shall have concurrent prosecutorial jurisdiction with the county district attorney for violations of this chapter. No person charged with a violation of this chapter by the Attorney General shall have standing to challenge the authority of the Attorney General to prosecute the case and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

§ 2717. Nonapplicability.

The requirements of this chapter shall not apply to:

(1) the direct administration of a controlled substance to the body of an ultimate user; or

(2) the administration or dispensing of a controlled substance that is otherwise exempted as determined by the United States Secretary of Health and Human Services under the National All Schedules Prescription Electronic Reporting Act of 2005 (Public Law 109-60, 119 Stat. 1979).

§ 2718. Expiration of chapter and expungement.

This chapter shall expire seven years after the date of the enactment of this chapter. All information in PAMS shall be expunged upon the expiration of this chapter.

Section 2. The regulation of the Department of Health in 28 Pa. Code § 25.131 (relating to every dispensing practitioner) is abrogated.

Section 3. Upon the full operation of PAMS, the Department of Drug and Alcohol Programs shall transmit notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

Section 4. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 5. This act shall take effect as follows:

- (1) Section 2 shall take effect 90 days after publication of the notice under section 3 of this act.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

Mr. BAKER. Thank you very much, Mr. Speaker.

This is an omnibus amendment to the underlying bill that addresses stakeholder concerns regarding privacy and law enforcement access by changing the definition of "active investigation" to include a higher legal term called "reasonable suspicion standard." It protects the name of an investigating officer from being disclosed. It corrects the definition of "health care facility" and adds specific language requested by pharmacies, nurses, anesthesiologists, and continuing care providers. It also makes technical changes to assure continuity throughout the legislation; increases confidentiality of information used by and meetings of the advisory committee, and cross references that all pertinent Federal privacy and security laws and regulations are to be followed; emphasizes the department's duties are to be undertaken in consultation with the advisory committee; includes the Department of Aging among the administration's agencies for permitted access to information from the database to assist in their work on the PACE (Pharmaceutical Assistance Contract for the Elderly) program; clarifies the consequences to a practitioner through the

appropriate licensing act, agency, or board if information from the database is misused; and allows the Attorney General or district attorney in the county where an action is brought to collect fines arising from any penalties. It adds to the report on the evaluation of the PAMS (Pharmaceutical Accountability Monitoring System) recommendations for updates and improvements to this chapter and other law; and requires the expungement of all data upon the expiration of the chapter.

Mr. Speaker, this is a product of about 5 years of negotiation. It is a compromise that addresses both the medical community as well as law enforcement community, and enjoys the support of approximately 30 major stakeholders.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman from Lancaster County, Mr. AUMENT, for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 1694 CONTINUED

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to thank the gentleman from Tioga and his efforts on this amendment. Many of the colleagues might recall that I had several amendments that were on this bill previously.

Mr. Speaker, the gentleman entertained many of my ideas. While some of them, in fact, made it into the bill – or into the amendment, rather – many of them did not. And even though they did not make it into the bill, I wanted to thank the gentleman for negotiating in good faith, because I think that is an important part of the legislative process.

Mr. Speaker, most importantly and most specifically, the idea that the automatic review that was contained in one of the prior amendments that was introduced by one of the gentlemen from Westmoreland County, while that was not ultimately included in the omnibus amendment that is being offered here today, I think that will be an important component going forward for this bill, because one of my overriding concerns continues to be that the idea of human intervention will lead to human curiosity, and I think that it is important that we automate the review to the extent possible to not allow any kind of human errors.

And I wanted to recognize the honorable gentleman's efforts, because it was not an easy process trying to maintain that balance between privacy and protecting the individual rights of individuals, while also ensuring that we get those bad actors that are in the system and making sure that you can get the individuals who are abusing the drugs and the individuals who are selling the drugs, which are ultimately the target that has been listed here.

Mr. Speaker, I will be supporting the amendment, because while it does not go to the probable cause threshold that I had advocated for through my amendments, it is reasonable

suspicion and it is better than the active investigation language that had been included previously.

And I once again want to thank the honorable gentleman from Tioga County because of his efforts. It was through his efforts that we were able to raise that threshold, and I appreciated it and certainly appreciate all the work that he put into it. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Baker, indicates he will stand for interrogation. You may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I am trying to get at the issue of what law enforcement personnel can get access to the information of the pharmaceuticals taken by individuals, what law enforcement personnel relating to what type drugs under what circumstances, under your amendment?

Mr. BAKER. Thank you, Mr. Speaker.

Under schedule II drugs, all they have to do is ask for the inquiry to the Attorney General's Office. And by the way, the Attorney General strongly supports this legislation, as does the District Attorneys Association and all the other law enforcement officials that were part of the discussion in bringing this omnibus amendment to the floor.

With regard to schedules III, IV, and V—

Mr. VITALI. And it might be beneficial to the House to just explain the difference between schedule II versus III, IV, and V.

Mr. BAKER. We will get you the definition, but basically, schedule II is the most controlled substances based on potential for addiction and abuse, and then it declines in value down to schedule V.

Mr. VITALI. Right. So I understand the general purpose of this legislation is to make sure that health-care providers are not giving too much drugs to individuals, so individuals cannot go from doctor to doctor and get prescription after prescription with the other doctors not knowing it. So it is mainly meant to alert the doctors and pharmacists and so forth.

Now, under your amendment, does the Attorney General have unlimited access to this database?

Mr. BAKER. Currently the Attorney General, and I believe it has been since 1972, has unfettered access to schedule II drugs.

Mr. VITALI. In other words, right now an Attorney General could look into a computer and see what drugs I am taking. Really? Okay.

So does this expand that to schedules III, IV, and V, and so forth?

Mr. BAKER. This actually limits it for the first time, and they have made major concessions as it applies to schedules III, IV, and V. For instance, if a police officer suspects there is a problem, they can go to the Attorney General's Office. Then the Attorney General will contact the department to let them know that there is an active investigation, a reasonable suspicion, and then the database creates a compass, if you will, by which they can later ascertain probable cause in order to get the case moving forward.

Mr. VITALI. So just to be clear, you are saying that right now under current law an Attorney General, without getting some sort of search warrant from a magistrate or some impartial

judicial authority, can look at the medical records of any citizen of Pennsylvania? Is that what you are saying?

Mr. BAKER. Right. The Attorney General can see the schedule II drugs that people are taking.

Mr. VITALI. Without a court-ordered search warrant?

Mr. BAKER. That is correct.

Mr. VITALI. Really? Okay.

Mr. BAKER. As I understand it, that has been in place since 1972.

Mr. VITALI. That is surprising. Okay. Thank you.

Mr. BAKER. You are welcome.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Adolph	English	Kirkland	Pickett
Baker	Evankovich	Knowles	Pyle
Barbin	Everett	Kortz	Quinn
Barrar	Fabrizio	Kotik	Rapp
Benninghoff	Farina	Krieger	Ravenstahl
Bishop	Farry	Kula	Readshaw
Bizzarro	Fee	Longietti	Reed
Bloom	Fleck	Lucas	Reese
Boback	Flynn	Mackenzie	Regan
Boyle, K.	Frankel	Maher	Roae
Bradford	Freeman	Mahoney	Rock
Briggs	Gabler	Major	Roebuck
Brooks	Gainey	Markosek	Ross
Brown, R.	Galloway	Marshall	Rozzi
Brown, V.	Gergely	Marsico	Sabatina
Brownlee	Gibbons	Masser	Saccone
Burns	Gillen	Matzie	Sainato
Caltagirone	Gillespie	McCarter	Samuelson
Carroll	Gingrich	McGeehan	Sankey
Causer	Godshall	McGinnis	Santarsiero
Christiana	Goodman	McNeill	Saylor
Clay	Greiner	Mentzer	Scavello
Clymer	Grell	Metcalfe	Schlossberg
Cohen	Grove	Metzgar	Schreiber
Conklin	Hackett	Miccarelli	Simmons
Corbin	Haggerty	Micozzie	Sims
Costa, D.	Hahn	Millard	Smith
Costa, P.	Haluska	Miller, D.	Snyder
Cox	Hanna	Miller, R.	Sonney
Cruz	Harhai	Milne	Stephens
Culver	Harhart	Mirabito	Stern
Cutler	Harkins	Miranda	Stevenson
Daley, M.	Harper	Molchany	Sturla
Daley, P.	Harris, A.	Moul	Swanger
Davidson	Harris, J.	Mullery	Tallman
Davis	Heffley	Mundy	Taylor
Day	Helm	Murt	Thomas
Dean	Hennessey	Mustio	Tobash
Deasy	Hickernell	Neilson	Toepel
DeLissio	James	Neuman	Toohil
Delozier	Kampf	O'Brien	Truitt
DeLuca	Kauffman	O'Neill	Turzai
Denlinger	Kavulich	Oberlander	Vereb
Dermody	Keller, F.	Painter	Vitali
DiGirolo	Keller, M.K.	Pashinski	Waters
Donatucci	Keller, W.	Payne	Watson
Dunbar	Killion	Peifer	White
Ellis	Kim	Petrarca	Youngblood
Emrick	Kinsey	Petri	

NAYS—0

NOT VOTING—0

EXCUSED—7

Aument	Evans	Maloney	Wheatley
Boyle, B.	Lawrence	Parker	

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill on second consideration as amended?

Mr. **ADOLPH** offered the following amendment No. **A03962**:

Amend Bill, page 2, line 32 (A03896), by inserting after "1236." The term shall not include a drug, substance or immediate precursor included in Schedule V of the Controlled Substances Act provided that it has been identified in 21 CFR § 1308.15(e) (relating to Schedule V).

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Adolph.

Mr. ADOLPH. Thank you very much, Mr. Speaker.

Mr. Speaker, I want to first commend the maker of the bill for all the hard work and effort that he and his committee have done over the last years trying to get together this bill.

However, it has been brought to my attention by the Pennsylvania Epilepsy Foundation, as well as the National Epilepsy Foundation, that there are a few nonnarcotic drugs on schedule V that they do not feel should go through the system, and the reason being is because if any of you know people with epilepsy – and I am sure you do; 1 out of 26 Americans has some type of seizure disorder – there is a stigma attached to epilepsy. It is a private matter, it is a family matter, and when these medicines get recorded, they have concerns about it. I reviewed the schedule V, and these are just the nonnarcotics, depressants that these individuals use.

And I would really appreciate the consideration of this, because I think it would really be a hardship for these families that have to go through life with this terrible disorder. So I am asking an affirmative vote on this amendment. Thank you very much.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Adolph	English	Kirkland	Pickett
Baker	Evankovich	Knowles	Pyle
Barbin	Everett	Kortz	Quinn
Barrar	Fabrizio	Kotik	Rapp
Benninghoff	Farina	Krieger	Ravenstahl
Bishop	Farry	Kula	Readshaw
Bizzarro	Fee	Longiatti	Reed
Bloom	Fleck	Lucas	Reese

Boback	Flynn	Mackenzie	Regan
Boyle, K.	Frankel	Maher	Roae
Bradford	Freeman	Mahoney	Rock
Briggs	Gabler	Major	Roebuck
Brooks	Gainey	Markosek	Ross
Brown, R.	Galloway	Marshall	Rozzi
Brown, V.	Gergely	Marsico	Sabatina
Brownlee	Gibbons	Masser	Saccone
Burns	Gillen	Matzie	Sainato
Caltagirone	Gillespie	McCarter	Samuelson
Carroll	Gingrich	McGeehan	Sankey
Causer	Godshall	McGinnis	Santarsiero
Christiana	Goodman	McNeill	Saylor
Clay	Greiner	Mentzer	Scavello
Clymer	Grell	Metcalfe	Schlossberg
Cohen	Grove	Metzgar	Schreiber
Conklin	Hackett	Miccarelli	Simmons
Corbin	Haggerty	Micozzie	Sims
Costa, D.	Hahn	Millard	Smith
Costa, P.	Haluska	Miller, D.	Snyder
Cox	Hanna	Miller, R.	Sonney
Cruz	Harhai	Milne	Stephens
Culver	Harhart	Mirabito	Stern
Cutler	Harkins	Miranda	Stevenson
Daley, M.	Harper	Molchany	Sturla
Daley, P.	Harris, A.	Moul	Swanger
Davidson	Harris, J.	Mullery	Tallman
Davis	Heffley	Mundy	Taylor
Day	Helm	Murt	Thomas
Dean	Hennessey	Mustio	Tobash
Deasy	Hickernell	Neilson	Toepel
DeLissio	James	Neuman	Toohil
DeLozier	Kampf	O'Brien	Truitt
DeLuca	Kauffman	O'Neill	Turzai
Denlinger	Kavulich	Oberlander	Vereb
Dermody	Keller, F.	Painter	Vitali
DiGirolamo	Keller, M.K.	Pashinski	Waters
Donatucci	Keller, W.	Payne	Watson
Dunbar	Killion	Peifer	White
Ellis	Kim	Petrarca	Youngblood
Emrick	Kinsey	Petri	

NAYS—0

NOT VOTING—0

EXCUSED—7

Aument	Evans	Maloney	Wheatley
Boyle, B.	Lawrence	Parker	

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. **KRIEGER** offered the following amendment No. **A03823**:

Amend Bill, page 2, line 29 (A03896), by striking out ".IV or V" and inserting or IV

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

This amendment would remove schedule V from the effects of this bill as amended. And you may ask, well, why do we want to do that? Well, I think the first thing we have to do as we consider this bill is we have to recognize that our people – we need to determine in what our people have a reasonable expectation of privacy. Do they have a reasonable expectation of privacy in their medical records, and if so, how far does it go? I think it is clear they do have a reasonable expectation of privacy.

So we have privacy on one side, and we obviously have a serious drug problem, and we have to, I think in this legislature especially, we have to balance those interests.

Now, last week we had a hearing in western Pennsylvania to talk about the heroin epidemic. We talked with prosecutors, we talked with folks from the Attorney General's Office, and we talked with law enforcement. It became very clear that prescription painkillers are a serious problem, and opiate painkillers are the major problem. If we could remove and cover that, just the opiate painkillers, in this prescription drug benefit – or this prescription drug monitoring system, we would remove the vast majority of the problems.

So again we are left with a balance. Every single person in Pennsylvania will have their name on this database at some point or another, so we have to balance their privacy interests with the legitimate needs of our communities to alleviate the drug problem. So how do we do that?

Well, I think a reasonable compromise is to remove schedule V. Now, some of the opponents of the amendment will argue that there are things on there that could be addictive. Well, there are cough medicines with codeine. So yes, they could be abused, and I will not stand here and tell you that they could not be abused. I will stand here, based upon the evidence we heard last week, to say that that is not where the problem lies. The problem lies in OxyContin, oxycodone, and if we can remove those, we have removed most of this problem.

A couple things I would like to just read real quickly here. With regard to schedule V, the Drug Enforcement Agency describes schedule V as follows: "Examples of Schedule V substances include: cough preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams," for example, Robitussin. We have all seen Robitussin. When I was a kid, perhaps aging myself, you could buy cough medicine with codeine on the shelf. Again, can it be abused? Absolutely. Can model airplane glue be abused? Absolutely.

So I think we are left with a decision. I have a list here of probably 400 or 500 drugs that are schedule I through V. Schedule V comprises approximately 10 drugs. There are scientific names; I have them here if you would like me to read them. I do not know what those scientific names are, except when I look at the DEA, most of them are cough preparations with codeine.

So I think we are left with a decision. Do our people have a reasonable expectation of privacy? Does it go down to at least, at least if we do not think they have it in any of these other areas, can they at least buy cough syrup with codeine without being in a government database that will be accessible to law enforcement?

I think there is a balance here, and I think it is a reasonable compromise to say that we are going to allow this access to schedule II, III, and IV, so the opiate painkillers will be covered and if the people are going to the pill mills, we will know about it. The pharmacists will know about it. The doctors will know about it. And if law enforcement goes through the process set forth in the omnibus amendment, they will know about it. Can we not at least give our people the expectation of privacy in cough medicine?

I think that is a simple decision. I would ask the members to think about that responsibility to balance those interests, and I would ask for an affirmative vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

Mr. BAKER. Thank you very much, Mr. Speaker.

I respectfully rise to oppose excluding schedule V drugs.

I would like to give you one illustration. Consider the drug Suboxone, for instance. It was once a schedule V drug; it is now a schedule III drug. Schedule V drugs are included as a controlled substance because if not used correctly, they can be extremely addictive. They can cause serious harm to the user and there are many statistics to prove that out.

It has also been found that even Lomotil, an antidiarrheal medication, has been used recreationally. At high doses, Lomotil exhibits codeine-like subjective effects; therefore, abusers take up to triple the recommended dosage to experience an opiate-like high.

But do not just believe me, listen to the experts. The pharmacists who are on the front lines, the Pharmacists Association and the chain drugstores all oppose exempting schedule V's. Exempting schedule V drugs from being submitted would be a major hindrance to the goal of reducing drug diversion and abuse. There is much diversion of promethazine with codeine, which is a schedule V drug, along with other schedule V drugs.

Additionally, 28 States that have established a database require schedule V drugs to be reported to the database, and we are hopeful that Pennsylvania would eventually connect to the interstate system, the PMP (prescription monitoring program) InterConnect. The Pennsylvania Association of Chain Drug Stores fails to see how HB 1694 endangers the health and privacy of schedule V, grading schedule V exemptions. It should be noted that there is a great deal of drug diversion with schedule V promethazine with codeine, as well as other schedule V drugs.

And let me refer you to the schedule V definition of some of these drugs that you are trying to exempt that are getting people into trouble, that people are getting extremely addicted; in some cases, causing much harm to health, and crime, potentially: codeine, dihydrocodeine, ethylmorphine, diphenoxylate, opium. You are asking, this amendment asks that we exempt this from all schedule V drugs. When these drugs are abused, they can be extremely harmful and addictive.

The District Attorneys Association, the Attorneys General Association, the medical profession, all the stakeholders, they are not supportive of exempting schedule V. I ask that we defeat the amendment before us.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. DiGirolamo.

Mr. DIGIROLAMO. Thank you, Mr. Speaker.

I also respectfully rise in opposition to the Krieger amendment.

Mr. Speaker, it is absolutely critically important to this database that we include these schedule V drugs in the database. There are many drugs in schedule V that are narcotic and extremely addictive. As a matter of fact, some of the drugs in schedule V contain opiates and we all know how dangerous the opiate problem is across the State of Pennsylvania, which is absolutely fueling the heroin addiction.

Mr. Speaker, another reason for including schedule V drugs: Addicts, unfortunately, are very, very knowledgeable and resourceful when it comes to their addiction. If we leave schedule V out, they will know their right away and they will know that there is a database for the schedule II, III, and IV, and they will flock to the schedule V drugs because of their addiction.

So I think it is critically important that we include schedule V into the database, and I would ask for a "no" vote on amendment 3823. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I also rise in opposition to this amendment.

I understand the maker's intent is to try to protect privacy of people that could be using these drugs for a legitimate reason. The problem is, what we have seen recently is if you cannot get opioids, you go to heroin. If you cannot get OxyContin, you go to Suboxone. If you cannot get heroin, you go to methadone clinics. All of these things are addictive. We do not know which one of them will be the drug of choice when they cannot get the heroin, but they will go to that particular addictive device or they will go there first. If we take these things off of the monitoring database, we will not know in any individual locality how to address the problem.

So you take these things off. We do not know that they become like bath salts, where who would of guessed that bath salts would have been addictive? We do not know that. If you take these things out by taking all of IV and part of V out, you will not be able to have information that actually lets us protect our children against heroin.

So I oppose the bill, and I ask that the database remains as strong as it can be.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Washington County, Mr. Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

I rise in opposition of this amendment.

I understand the concerns of the maker of the amendment and I do appreciate them; however, I believe it creates a glaring loophole within the law that will allow creative criminals to make a new substance, and that will come from the schedule V's.

Being from western Pennsylvania, we are 20 minutes from West Virginia and 30 minutes from Ohio. We have to stay consistent with those States when it comes to scheduling these drugs and putting the schedules onto the monitoring system so that we do not have people from Ohio and West Virginia and other States flooding into Pennsylvania because they see this loophole as an opportunity, an opportunity to eviscerate the system and make money and get people addicted to these drugs. They can be very creative on how to break these drugs down and make them so that they do become an effective addictive drug.

So please, I rise in opposition of this amendment. Please do not allow this to create a loophole in the bill, and keep schedule V's in this monitoring system.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On the question, the Speaker recognizes the gentleman from Somerset County, Mr. Metzgar.

Mr. METZGAR. Thank you, Mr. Speaker.

I would like to share with you a little bit of information on a very, very dangerous substance and what happens to your body whenever it is ingested. Due to excessive consumption, people have died. This condition goes by the name EAH (exercise-associated hyponatremia). This condition causes so much damage that the sodium levels have become life-threateningly low, causing cells to swell. This includes brain cells leading to the loss of consciousness, seizures, and even coma and death.

Do you know what that substance is? Water. Water; the dangerous substance that they are talking about is water.

Everything is dangerous if you misuse it, but we do not keep a database of your water. You might like to, but we do not keep that. We do not keep a database of every single thing you do just because you might misuse it.

Vote for the gentleman from Westmoreland County's amendment, because if you do not, you have traded your liberty again for I do not even think safety. You have traded it for more intrusion in your life. Please vote for the amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Krieger, for the second time.

Mr. KRIEGER. Thank you, Mr. Speaker.

The medical profession is governed by an adage, and it is, "Do no harm." And I would suggest to you that we, legislatively, ought to be governed by that same adage. We ought to be sure we are not going to do harm.

Now, the gentleman from Washington County suggests that there might be loopholes, and certainly that is the case, and there are some very smart people out there that are doing bad things. Now, remember, this is not static. We can revisit this at a later time if we need to.

The schedule, the gentleman from Tioga County mentioned earlier that Suboxone used to be a schedule V and now it is something less. Well, that illustrates the point that when we see that something is being abused, it can be adjusted. We can do that again, so we should make sure we are doing the most good with the least harm.

Again, I would invite you to ask your law enforcement people where their problems are coming with prescription drugs, and they will tell you it is not schedule V; it is schedule II, III, and IV. It is the opiate painkillers. If we solve that problem, we solve most of this problem.

So I would leave you with this. I would ask you just to use your common sense. Do you think your people that you represent should be able to buy a cough suppressant with codeine without the government knowing about it? If you do, please vote for this amendment.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—50

Bloom	Gabler	McGinnis	Roae
Brooks	Gillen	Metcalfe	Saccone
Causar	Greiner	Metzgar	Sankey
Christiana	Grell	Moul	Simmons
Cox	Grove	Mustio	Smith
Cutler	Harris, A.	O'Brien	Sonney
Delozier	Hickernell	Oberlander	Stevenson
Denlinger	Keller, F.	Peifer	Tallman
Dunbar	Knowles	Pyle	Thomas
Emrick	Krieger	Rapp	Tobash
English	Mackenzie	Reed	Truitt
Evankovich	Maher	Reese	Vitali
Fee	Masser		

NAYS—145

Adolph	Donatucci	Keller, W.	Pashinski
Baker	Ellis	Killion	Payne
Barbin	Everett	Kim	Petrarca
Barrar	Fabrizio	Kinsey	Petri
Benninghoff	Farina	Kirkland	Pickett
Bishop	Farry	Kortz	Quinn
Bizzarro	Fleck	Kotik	Ravenstahl
Boback	Flynn	Kula	Readshaw
Boyle, K.	Frankel	Longietti	Regan
Bradford	Freeman	Lucas	Rock
Briggs	Gainey	Mahoney	Roebuck
Brown, R.	Galloway	Major	Ross
Brown, V.	Gergely	Markosek	Rozzi
Brownlee	Gibbons	Marshall	Sabatina
Burns	Gillespie	Marsico	Sainato
Caltagirone	Gingrich	Matzie	Samuelson
Carroll	Godshall	McCarter	Santarsiero
Clay	Goodman	McGeehan	Saylor
Clymer	Hackett	McNeill	Scavello
Cohen	Haggerty	Mentzer	Schlossberg
Conklin	Hahn	Miccarelli	Schreiber
Corbin	Haluska	Micozzie	Sims
Costa, D.	Hanna	Millard	Snyder
Costa, P.	Harhai	Miller, D.	Stephens
Cruz	Harhart	Miller, R.	Stern
Culver	Harkins	Milne	Sturla
Daley, M.	Harper	Mirabito	Swanger
Daley, P.	Harris, J.	Miranda	Taylor
Davidson	Heffley	Molchany	Toepel
Davis	Helm	Mullery	Toohil
Day	Hennessey	Mundy	Turzai
Dean	James	Murt	Vereb
Deasy	Kampf	Neilson	Waters
DeLissio	Kauffman	Neuman	Watson
DeLuca	Kavulich	O'Neill	White
Dermody	Keller, M.K.	Painter	Youngblood
DiGirolamo			

NOT VOTING—0

EXCUSED—7

Aument	Evans	Maloney	Wheatley
Boyle, B.	Lawrence	Parker	

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

Mr. **KRIEGER** offered the following amendment
No. **A03824**:

Amend Bill, page 1, line 17 (A03896), by striking out "and penalties" and inserting

, penalties and private right of action

Amend Bill, page 11, by inserting between lines 28 and 29 (A03896)

(f) Private right of action.—

(1) Any person whose private personal or medical information from PAMS is knowingly, intentionally or negligently released, obtained through fraud or misrepresentation or used for a purpose other than a purpose authorized by this section or department regulations and thereby suffers any ascertainable loss of privacy or reputation as a result of an act by any person declared unlawful by subsection (a), may bring a private action to recover actual damages or \$1,000, whichever is greater. The court may, in its discretion, award up to three times the actual damages sustained, but not less than \$1,000, and may provide such additional relief as it deems necessary or proper. The court shall award to the plaintiff, in addition to other relief provided in this section, costs and reasonable attorney fees.

(2) Any permanent injunction, judgment or order of the court made under subsection (a) shall be prima facie evidence in an action brought under paragraph (1) that the defendant engaged in activity declared unlawful by subsection (a).

On the question,
Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

This amendment – let me back up. As you know, the bill as amended would create a felony for a misuse of this database that we are describing. Now, obviously that leaves us with the possibility of, as the old adage goes, the fox guarding the henhouse. What this bill does, it creates a private cause of action, so if an individual is harmed and their privacy is violated in a way not in compliance with the law, that they will have an opportunity to file a private cause of action with a private attorney to get redress for their grievance.

I think this might be agreed to, at least until the previous debate, so I will leave that for the gentleman here, but I ask you to vote for the amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

Mr. BAKER. Thank you very much, Mr. Speaker.

This is indeed an agreed-to amendment. This has been vetted with the Attorney General's Office, and we are in agreement with the amendment.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Adolph	English	Kirkland	Pickett
Baker	Evankovich	Knowles	Pyle
Barbin	Everett	Kortz	Quinn
Barrar	Fabrizio	Kotik	Rapp
Benninghoff	Farina	Krieger	Ravenstahl
Bishop	Farry	Kula	Readshaw
Bizzarro	Fee	Longiotti	Reed
Bloom	Fleck	Lucas	Reese
Boback	Flynn	Mackenzie	Regan
Boyle, K.	Frankel	Maher	Roae
Bradford	Freeman	Mahoney	Rock
Briggs	Gabler	Major	Roebuck
Brooks	Gainey	Markosek	Ross
Brown, R.	Galloway	Marshall	Rozzi
Brown, V.	Gergely	Marsico	Sabatina
Brownlee	Gibbons	Masser	Saccone
Burns	Gillen	Matzie	Sainato
Caltagirone	Gillespie	McCarter	Samuelson
Carroll	Gingrich	McGeehan	Sankey
Causar	Godshall	McGinnis	Santarsiero
Christiana	Goodman	McNeill	Saylor
Clay	Greiner	Mentzer	Scavello
Clymer	Grell	Metcalfe	Schlossberg
Cohen	Grove	Metzgar	Schreiber
Conklin	Hackett	Miccarelli	Simmons
Corbin	Haggerty	Micozzie	Sims
Costa, D.	Hahn	Millard	Smith
Costa, P.	Haluska	Miller, D.	Snyder
Cox	Hanna	Miller, R.	Sonney
Cruz	Harhai	Milne	Stephens
Culver	Harhart	Mirabito	Stern
Cutler	Harkins	Miranda	Stevenson
Daley, M.	Harper	Molchany	Sturla
Daley, P.	Harris, A.	Moul	Swanger
Davidson	Harris, J.	Mullery	Tallman
Davis	Heffley	Mundy	Taylor
Day	Helm	Murt	Thomas
Dean	Hennessey	Mustio	Tobash
Deasy	Hickernell	Neilson	Toepel
DeLissio	James	Neuman	Toohil
Delozier	Kampf	O'Brien	Truitt
DeLuca	Kauffman	O'Neill	Turzai
Denlinger	Kavulich	Oberlander	Vereb
Dermody	Keller, F.	Painter	Vitali
DiGirolamo	Keller, M.K.	Pashinski	Waters
Donatucci	Keller, W.	Payne	Watson
Dunbar	Killion	Peifer	White
Ellis	Kim	Petrarca	Youngblood
Emrick	Kinsey	Petri	

NAYS—0

NOT VOTING—0

EXCUSED—7

Aument	Evans	Maloney	Wheatley
Boyle, B.	Lawrence	Parker	

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

Mr. D. MILLER offered the following amendment No. A03924:

Amend Bill , page 10, line 11 (A03896), by striking out "Upon request of the Office of Attorney General" and inserting
Pursuant to a valid search warrant

On the question,
Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Dan Miller.

Mr. D. MILLER. Thank you, Mr. Speaker.

I rise today to offer my amendment to HB 1694, a bill that I truly hope passes the Senate today and one that I urge my colleagues to support.

I must admit, though, Mr. Speaker, that I have some trepidation about this bill. Today in State Government we passed a bill urging the Federal government to conduct an investigation into the NSA (National Security Agency) data collection program. More and more people are questioning such programs. Personal information is becoming increasingly easy to access, and often without a person's knowledge.

This bill creates a massive database of our medical information. Given that I do not believe that we as citizens or as a body should take this step casually, I offer an amendment today.

We must acknowledge that prescription pill abuse is an epidemic in many parts of our State. This growing issue knows no boundaries, it knows no socioeconomic distinction, it knows no age, and the results are far too tragic. And I can tell you, Mr. Speaker, it leaves families shattered. Since there is no legislation that offers a way to stem this tide besides this, I believe we must pass this bill.

But while we struggle with new issues and new technologies, we must also be mindful that our government needs must always be balanced against the rights of individuals. As currently written, this bill allows law enforcement access to private medical information without a search warrant or probable cause. My amendment seeks to correct that.

While not a constitutional scholar, I believe the Fourth Amendment is imperative to the health of our Republic. In order for the government to take one's property, in order for government to prohibit one's liberty, or in order for government to intrude into individual privacy, government must meet its burden.

The United States Supreme Court has held that when a person has a reasonable expectation of privacy, any search is, per se, unreasonable under the Fourth Amendment unless conducted with a judicial warrant. If there is no reasonable expectation of privacy, then essentially, you do not need a warrant. Additionally, such a reasonable expectation of privacy must be one that society as a whole would recognize.

Here we are talking about prescription history. I think it is important that we keep in mind what that means. Reviewing one's prescription history can reveal a lot about the person or the family. It can reveal medical conditions one wishes to keep private. It can reveal one's personal struggles on a variety of issues. And it can detail a family matter that was supposed to be kept at home. And yes, Mr. Speaker, it could find instances of prescription abuse.

Law enforcement currently has access to schedule II information; this makes sense. Narcotics such as oxycodone and morphine are very serious, very dangerous, and very addictive. As written, this bill will now give access to all types of prescriptions such as medications for ADHD (attention deficit hyperactivity disorder), insomnia, heart problems, AIDS (acquired immune deficiency syndrome) medication, and more. As personal as medication choices are, I believe society as a whole would clearly find that there is a reasonable expectation of privacy in their prescription records. That does not mean law enforcement cannot get access to them, but it does mean they need to get a warrant.

Some argue, Mr. Speaker, that adding a probable cause requirement is unnecessary since law enforcement will petition the Department of Health for access to it. This could possibly be a type of check on law enforcement, but the Department of Health cannot refuse such a request if they are told there is an active investigation and they have reasonable suspicion to believe there is a crime. This is not a check or a hurdle; it is a phone call. This is not the equivalent of seeking or procuring a warrant.

Some argue, Mr. Speaker, that it is unnecessary to add probable cause language because the information obtained cannot be used in a criminal proceeding. They continue that this information is only an investigation tool that could lead to an arrest or search warrant. I believe that this argument ignores the value and the right of a defendant to investigate and question the validity of an arrest, for if information was gleaned from an invalid arrest, the entirety of the information would be inadmissible. This is not a novel area of law. While the database itself may not serve as proof beyond a reasonable doubt, how it is used in relation to one's arrest could be at the heart of the case.

Some say that adding a probable cause requirement would make the database itself worthless, but nine other States from across the country – whether it be Alabama, Arkansas, or Oregon – have a probable cause requirement.

Some argue that if they had probable cause for an arrest, why would they need to search the database? But that logic misses one of the key benefits of this system; that is, searching the database would allow law enforcement to connect the dots between neighboring towns and counties. Searching this database would increase the likelihood of policing beyond the users and finding those prescribers who are part of the problem.

Some argue that probable cause is not necessary because the information itself is not private. I find that to be particularly troubling. If it is not private, then every citizen could be asked to disclose their medication on demand. If it is not private then every CVS (Consumer Value Stores) and Walgreens should just post prescriptions on their walls for review or turn their computers around for people to scan at will. If medical information is not private, what is HIPAA (Health Insurance Portability and Accountability Act of 1996) for? And one must ask that if law enforcement cannot just show up at your house

and look in your medicine cabinet, then how can they look at the same information in a database if they do not have a warrant?

Some argue that a probable cause requirement would add a hurdle for law enforcement. This is true. Probable cause in a warrant does add a hurdle to law enforcement, but it is one that is based in our Constitution. If law enforcement seeks access to something reasonably believed to be private, they must get a warrant. Personally, I appreciate this requirement. I want law enforcement to be balanced by judicial review, and sometimes that may add some time to the case, but if the idea is just to make things easy for law enforcement, why do we have the Fourth Amendment at all? I believe the Framers intended such a balanced analysis on government authority.

I do applaud the work that has been done, as has been previously mentioned earlier regarding the workers on this bill on both sides of the aisle. I also appreciate the consideration given from those involved in the process, including the Attorney General's Office. I have talked to many local police, including my own district attorney in Allegheny County, Mr. Zappala, who I know disagrees with me on this point, but all their opinions matter to me.

But I would ask us to consider this: We have a massive bill that collects a lot of information. If you just boil it down to what we would say at home, people make the correlation that if you have a police search, they should have a warrant.

I would ask my colleagues, respectfully, to vote for this amendment. Thank you very much.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

I rise to respectfully oppose this amendment.

This is one of a series of amendments that is being proffered by, predominantly, the ACLU (American Civil Liberties Union), and is not supported by the Attorney General's Office, not supported by the district attorney's office, our law enforcement officials, or the stakeholders.

There are many reasons why this should be opposed, and I would like to just mention a few. Law enforcement, to clarify, does not fish or snoop and has used its access to break up pill mills, identify bad doctors, and save lives. And that is what we are trying to do here today: to make a demonstrative difference in the lives of our families and save people from future addiction and death and crime and a lot of heartache.

Many of the large-scale prescription drug busts that have recently taken place occurred because the data obtained in the schedule II database was unfettered – at least it has been since 1972 – and the Attorney General's Office and law enforcement have done a wonderful job in monitoring this. And quite frankly, what I found out is most members did not know they have current, unfettered access to schedule II drugs. That is because they do a very, very good job, and they are highly respected. And my goodness, we know in judicial courts, if they do things that are incorrect or wrong, it is ruled out of order and they are admonished for that.

A probable cause requirement to access the data would mean that law enforcement could not be proactive against fighting prescription drug abuse and could only act after bad doctors and other individuals have committed their crimes and the lives of those addicted to the drugs were irreparably damaged. Also

keep in mind, a probable cause requirement would force law enforcement to obtain probable cause twice: once to access the database and second to get a judge to approve an arrest search warrant; therefore, a probable cause requirement makes the PMP database mostly useless.

Furthermore, many tips that are obtained by law enforcement may not rise to the level of probable cause. Law enforcement is not asking for a free pass. They are just asking for a tool, a compass, to help them obtain the probable cause that they need to get the bad guys and save lives. A search warrant requirement is also much more costly for taxpayers, especially if you have to go through this process twice – the cost of a search and much more disruptive to doctors and their patients because it requires law enforcement to shut down the office.

Reasonable suspicion standard is appropriate and it is a major compromise by the Attorney General's Office and the district attorney's office. For schedules III through V, there will be a reasonable suspicion standard. That means that law enforcement must have specific and articulable facts that would lead a reasonable person to believe that the law has been or is being violated – not mere hunches, not guesswork; real and concrete facts. Having this standard will permit defendants to file motions to suppress any evidence derived from law enforcement accessing the database under this standard.

Therefore, any objections to the work of the law enforcement will be ripe for a challenge in court, thus giving defendants their day in court to argue that law enforcement went too far. The standard therefore provides a good balance between allowing law enforcement to be proactive and not have its hands tied behind its collective back, and simultaneously giving defendants their rights to challenge the action of law enforcement.

Mr. Speaker, I respectfully oppose this amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

I wanted to rise to support the gentleman's amendment.

I guess I would begin by asking a rhetorical question for the body here today: When the writers of our Constitution, Fourth Amendment, when the writers of Article I, section 8 of our Pennsylvania Constitution wrote that our people should be free from "unreasonable searches and seizures" and would require a warrant, do you think they knew that that would be inefficient? Do you think they knew that that might cause some extra procedural requirements for law enforcement? I think obviously the answer to the question is yes, and that is exactly the point. We want law enforcement to do all these, but we also balance it with the rights of our people. That is exactly what the Fourth Amendment is supposed to do. That is exactly what Article I, section 8, of our Constitution is supposed to do.

Now, if you take a look at the jurisprudence of searches and seizures, you will see that there is a phrase that occurs time and time again, that is "reasonable expectation of privacy." So in addition to passing a law today, we are teaching a rising generation in what areas they have a reasonable expectation of privacy. And the danger we face with technology – and none of us knows exactly how to deal with that – we have a lesser expectation of privacy than we once did, where also this law is teaching a rising generation, "Well, on your prescription drugs, you do not have an expectation of privacy." That will have an impact down the road on actually what the law is, because

courts in later years will look at that and determine, well, if we do not have a reasonable expectation of privacy in our prescription records, perhaps we do not in our medical records.

So again, I would leave you with this: Law enforcement is required to have a search warrant to get in my medicine cabinet. They are required to have a search warrant to get in my medical records. Why should they not have to have a search warrant to look at my prescription record? Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Miller amendment, and I heartily endorse the remarks we have just heard from Representative Krieger.

The argument always is that if somebody in law enforcement cannot do what they want, great horrors will befall the people of Pennsylvania or of the United States, depending on where it is being argued.

I have no doubt that prescription drug abuse is a major problem, the major problem in the drug abuse field. There is no factual doubt about that, but nevertheless, only a very small percentage of the population has a prescription drug abuse problem. The vast majority of us, virtually all of us, use prescription drugs at one point or another. This database, as worthy as it may be, is an open door into the intimate details of people's lives, and it ought to be used with a measure of restraint. The Miller amendment provides that measure.

There are many people in the House and many people in society who think that prescription drug abuse victims deserve help. I am one of them. But this database is not only usable for the purpose of giving people help; it is usable for the purpose of criminal prosecutions. The Attorney General is not in the business of giving people help. The Attorney General is in the business of criminal prosecutions.

Many of us know a recent member of the House who went to prison for prescription drug abuse. That may or may not be benign. People can argue about whether sending someone to prison for prescription drug abuse makes sense. But no matter how you fall on that debate, when law enforcement gets involved, there is a risk of criminal prosecution, there is a risk of imprisonment, and we have to be very careful as to who gets investigated and who gets imprisoned.

We already have massive numbers of people in prison. When I was first elected to the legislature many years ago, we had 6,000 people in prison in Pennsylvania. Today we have over 60,000 people in prison in Pennsylvania. Our goal ought not to be to reach 100,000 or 200,000 people in prison.

I would strongly support the Miller amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Dom Costa.

Mr. D. COSTA. Thank you, Mr. Speaker.

I rise to support the amendment for this bill.

I commend the maker of the bill for his intent. It is a good bill, but I believe this amendment will make it a better bill.

As a former police officer, I would have loved to have been able to go into anybody's records and look when I wanted to. A free look, that is great, but the Constitution does not permit that. And as a civilian, I do not want anybody looking at anything of

mine unless they go to a third party and a neutral party, which would be a judge in this case, which is provided by our Constitution, and go that route.

Police officers get paid to do their job. If they are doing their work, they will do it the appropriate way. And I stand in support of this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I rise and strongly oppose the gentleman, Mr. Miller's amendment. And I just want to recognize, I realize that he believes that he is doing the right thing and is very passionate about what he is doing.

A few weeks ago I went to a funeral for a young lady who lived in my legislative district, 25 years old, who died from an overdose of opiate prescription drugs. If any of us looks in our local newspapers and looks in the obituaries every day, when you see a young adult who is under the age of 30, especially, when you see that they have died suddenly, I will bet you a dime to a doughnut that it is either because of prescription drug overdose or a heroin overdose.

When I look at a headline from our Bucks County Courier Times just a couple weeks ago, "Pill mill doc gets 25 years in prison." He prescribed over 700,000. I am going to say that again: 700,000 opiate prescription drugs illegally, illegally.

I pulled up another article from a newspaper from Clarion County. It was a doctor who had four doctor's offices, actually in four counties: Clarion, Clearfield, McKean, and Venango Counties. He was arrested. He prescribed 183,000 – again, 183,000 – doses of Subutex, which is an opiate. The police chief in Oil City said that the doctor who was charged with multiple felonies stemming from his allegedly illegal prescription practices could impact the community of Oil City for 10 to 20 years.

Mr. Speaker, this is an absolute epidemic across the State of Pennsylvania, and we have got to do something about it and take this very, very seriously. If this amendment was enacted, it would absolutely tie the hands of our law enforcement community.

As the Representative from Tioga County said, there are protections embedded in the bill and his amendment that we just passed unanimously. There are an enormous amount of protections. We need – the terminology that we use is the Attorney General needs an "active investigation." He also needs reasonable cause. The database will not be housed in the Attorney General's Office. In the bill, the database is housed in the Department of Drug and Alcohol Programs, so the Attorney General will have to go to the Department of Drug and Alcohol Programs to be able to access the database.

And let me remind you, let me remind you that the Attorney General for years has had unfettered access to the schedule II database, and they are the most addictive medications – unfettered access. Has anybody heard that there have been problems with confidentiality because of that? Many years he has had access to that. Nobody has alleged that there has been a breach in confidentiality with the Attorney General's Office.

And again, remind you, your local police, the district attorneys do not have access to the database. They have to go to the Attorney General to be able to get access to the database.

There are protections embedded in this bill. I know everyone is concerned with confidentiality, but this is an absolute epidemic across the State of Pennsylvania that is killing our young people and filling up our prisons. My police chief has told me that three of the four people that he arrests today he arrests because they have an addiction to opiate prescription drugs or heroin. And again, prescription drugs are fueling the heroin epidemic.

So for all those reasons, Mr. Speaker, I respectfully ask, do not tie the hands of law enforcement and force them to get a court order to get into this database. The protections are built in there. The abuse of the database is a felony of the third degree and there are strict punishments for felonies. So I ask you to vote "no" on the amendment 3924, the Miller amendment. And, you know, let us allow our law enforcement people to do their job. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Kortz.

Mr. KORTZ. Thank you very much, Mr. Speaker.

I rise in support of amendment A3924, and I want to commend the maker from Allegheny County and also want to commend my colleague from Westmoreland County for his very insightful comments.

Mr. Speaker, the Constitution protects our citizens from unreasonable search and seizure. Everybody in our chamber here on the first day of session, sir, we put our hand on the Good Book, raised our right hand, and we took an oath to support, obey, and defend the Constitution. In that Constitution is a protection against unreasonable searches and seizures, and that is exactly what we are talking about here. There is a process. You get a warrant; you go after the bad guys. That is what we have to do. We have to have probable cause.

So I rise in support of this, and I would like everybody to think about that. You took that oath on the first day to support, obey, and defend the Constitution, and here we are trying to shortchange it, create a loophole to go around it. That is wrong.

So I would ask everybody to support this. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Adams County, Mr. Tallman.

Mr. TALLMAN. Thank you, Mr. Speaker.

I wonder if the maker of the amendment would stand for brief, and I emphasize brief interrogation.

The SPEAKER. The gentleman, Mr. Dan Miller, indicates he will stand for interrogation. You may proceed.

Mr. TALLMAN. If I am reading the amendment correctly, the Attorney General is the only one that is going to be able to do this, so my district attorney in Adams County or my law enforcement agencies in Adams County will not be able to get this search warrant?

Mr. D. MILLER. Mr. Speaker, if I understood the question, I think it was saying that the Attorney General is the only one who has access as far as a filter to the Department of Health. If I understood that correctly, that is my understanding, that local police would have to contact the Attorney General's Office. The Attorney General's Office would then contact the Department of Health, and essentially, law enforcement would go to law enforcement to get access to the Department of Health.

Mr. TALLMAN. Thank you, Mr. Speaker. On the amendment?

The SPEAKER. The gentleman is in order on the amendment.

Mr. TALLMAN. I believe this is overly complicating law enforcement, so therefore I urge a negative vote. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

I rise in opposition to the Miller amendment, and I rise in opposition for a few reasons, Mr. Speaker.

The gentleman from Philadelphia earlier rose and made it as if we do not have a prescription drug problem of epidemic proportions in this Commonwealth. My good friend from Bucks County, certainly an expert in this area and aware of what prescription drug abuse does to our families and does to our children, made very clear what this list does for law enforcement. And then my good friend from Allegheny County lectures me on the oath of office. Well, my oath is to protect all Pennsylvanians, not just the ACLU. And respectfully, Mr. Speaker, as a former law enforcement officer myself, a witness to hundreds of drug cases, hundreds of drug buys, some myself, I can tell you this, that this list has never, never in my experience or witness been used, and can be used as probable cause for a search warrant.

So the reality of it is, Mr. Speaker, all we are looking to do with this bill is protect our children first and foremost. So I ask for a "no" vote on the Miller amendment.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Saccone.

Mr. SACCONI. Thank you, Mr. Speaker.

I rise in support of the Miller amendment.

As was stated earlier, heroin abuse is really stemming from prescription drug abuse and is an epidemic in our State. I was at the hearings we had in the Judiciary Committee in western Pennsylvania, and there was some compelling testimony, truly compelling testimony from our young people who started on drugs at the age of 13 years old, spent their whole youth involved in drugs until they could get out of this habit. Our society I believe is in peril from this scourge of drugs, but we do not have to sacrifice our civil liberties to deal with this problem.

Now, I heard it said earlier, and I respect my friend from Philadelphia, that this will tie law enforcement's hands. And I say to you that, as a former law enforcement officer myself, it does not tie law enforcement's hands to ask them to follow the Constitution and get information that would substantiate probable cause before they look at this information.

Some people have said that even having a database is too much. We should not have a database. It is an infringement on our liberties, and you can make an argument for that. I think this is a reasonable compromise that would allow us to have this database, make sure it is used responsibly, and that it is not abused by our terrific law enforcement people who are very professional and very much capable of finding the information they need to get the warrant when it is needed.

I ask you to support the Miller amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

Is the gentleman, Mr. Baker, seeking recognition for the second time? The gentleman is in order for the second time on the amendment.

Mr. BAKER. Thank you very much, Mr. Speaker.

Again I respectfully disagree with the previous remarks.

What you are asking is to in fact restrict law enforcement's ability to do their job and to address the terrible statistic that Pennsylvania ranks ninth in the entire nation in prescription drug overdose deaths. Forty-seven other States have already enacted a similar bill. Why in the world would you want to restrict law enforcement's ability to attack and deal with this terrible crime – crime against children, crime against adults? This is a serious problem. This is a serious bill that addresses the need to step it up on the war against drugs; in this case, prescription drugs.

Make no mistake about it, the Attorney General's Office, the District Attorneys Association, your district attorney, law enforcement, they oppose strongly this amendment and the other amendments that are being proffered by the ACLU. This in no way minimizes, modifies, or amends Pennsylvania's Constitution or the U.S. Constitution, and accordingly, constitutionally protected privacy rights and the court's ability to exclude improperly obtained evidence by law enforcement are and continue to be in place. Make no doubt about that. There is always a requirement of probable cause or a warrant to use evidence from any source in a criminal investigation.

If law enforcement obtains evidence improperly, courts will and routinely do throw out such evidence, and police and prosecutors can be punished, sued, disbarred, etc. To believe that law enforcement has the time or manpower to spy on the 250 million prescriptions written a year is unrealistic and nothing but a scare tactic by the critics.

Mr. Speaker, I respectfully ask the members to defeat this amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Washington County, Mr. Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

I rise in opposition to this amendment.

I understand the philosophical and theoretical debate that we are having right now, but it is imperative to understand that the only way these people get charged, after reasonable suspicion is found, is if they are doing something illegal, if they are a criminal. We are not dragging people into court that are not criminals. If doctors and pharmacists or patients are criminals, they need to be prosecuted.

And this is not a violation. It has been held up. It is in many other States, I believe 42 other States do not have the threshold of probable cause. And if law enforcement illegally accesses this system, they are charged with a felony, a third-degree felony. That is serious.

So I urge that the members understand that the only way that this information is going to be used is if the person is a criminal, and I ask that you vote down amendment 03924. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I would offer an alternate scenario where information could in fact be used. It is something that we are all very familiar with, and I realize it is somewhat far afield of the current debate regarding the war on prescription drug abuse, which I understand the gentleman's concern.

Mr. Speaker, we saw it in the last presidential election. We saw it where there is information used for political purposes. Mr. Speaker, it is against the law to release tax information, yet private tax information was in fact released during the political campaign. The idea is to put checks and balances in place so that it is only accessed at the appropriate times. I believe that is what the gentleman is attempting to do, to make sure that – as the gentleman from Allegheny County so eloquently put – that you have a nonbiased or unbiased third-party individual reviewing this, making sure that the information is only accessed when it is permissible, when it has been properly balanced, when the compelling State interest has been looked at and compared to the privacy rights of the individual to ensure that it is properly balanced.

Mr. Speaker, no one is arguing that criminals need to be convicted. I think we all agree on that. What we are arguing is the accessing of innocent individuals' information. That is the concern the individual is trying to address with this amendment. That is the reason that we put these checks and balances in place.

Mr. Speaker, this amendment roughly parallels a similar amendment that I had. I commended the gentleman from Tioga County on his efforts to increase the thresholds from active investigation to reasonable suspicion, and I alluded to the fact at that point that it did not quite reach the probable cause threshold that I had aspired to during my advocacy. Mr. Speaker, this amendment does, and I would encourage an affirmative vote.

Mr. Speaker, this is not about protecting the rights of criminals. It is about protecting access to information from innocent individuals who will also be contained in this database, and making sure that law enforcement has a real and legitimate purpose for accessing and utilizing this information. Mr. Speaker, it is to ensure that this information is not utilized for personal gain. It is to make sure that it is not used for personal or political gain.

Mr. Speaker, we do not have to invent these stories to see how this information could be misused or abused. All you have to do is google any news story on the NSA or the IRS (Internal Revenue Service) tax releasing of the documents and you can see in real life and in real time how it has happened. Mr. Speaker, that was one of the reasons why I argued so vehemently in favor of the automatic flagging. I recognize that it caused concerns on both sides with the ACLU as well as the medical community, but it was the idea that we removed prying human eyes from the process.

Mr. Speaker, that level of curiosity, that desire to understand what your neighbor is doing or what the person across the street is doing or what the individual that is an ex-spouse or an ex-girlfriend or something else that is there is what we seek to remove from this equation. That is why it is so important to have the outside judicial review, that is why it is so important to have the third-party review, that is why we need to make sure that the review is pure and that it is constitutional and unbiased.

And, Mr. Speaker, I would urge an affirmative vote. Thank you.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman from Allegheny County, Mr. DeLUCA, for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 1694 CONTINUED

The SPEAKER. The question is, will the House agree to the amendment?

On the question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Evankovich.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, I have two very quick points.

First of all, to assume that nobody is going to use the data in a way it should not be used because it is a felony, well, people commit felonies every day. The second point that I would just like to make is that under existing law today, in order for law enforcement to get their hands on this prescription drug data from schedule III to schedule V, they need a search warrant. If this bill passes without this amendment, they will not need a search warrant. That is the game changer. That is what changes without this amendment.

I encourage a "yes" vote. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Dan Miller, indicates he will stand for interrogation. You may proceed.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, has the current practice that exists over at the Attorney General's Office with regards to the database ever been challenged in civil court, as far as you know? Has anyone ever raised the issue of constitutionality in civil court?

Mr. D. MILLER. Mr. Speaker, I do not know if any civil challenges have come up. Also, I am unaware of the amount of time that the schedule II reviews have or the amount of prosecutions have that come out of a schedule II review that currently exists. I think both numbers are low.

Mr. STEPHENS. So are you aware of any instances criminally where a suppression motion has been granted as a result of utilizing the data at the current Attorney General's database?

Mr. D. MILLER. And I apologize, Mr. Speaker, were you asking if I was aware of – I apologize, Mr. Speaker, I missed that.

Mr. STEPHENS. Are you aware of any instances where a motion to suppress in a criminal case has been granted because a court has ruled that this database violates someone's constitutional rights?

Mr. D. MILLER. I know of no use of the criminal database – the database in a criminal case as yet.

Mr. STEPHENS. That concludes my interrogation, Mr. Speaker. On the bill?

The SPEAKER. The gentleman is in order on the amendment.

Mr. STEPHENS. Mr. Speaker, I certainly understand many of my colleagues' concerns regarding privacy and the constitutional issues surrounding the use of this database. We have heard that this database as it relates to certain drugs has been in existence for decades, yet we know of no instances where it has ever been found to have been used improperly. We know of no court rulings on the civil side or the criminal side to suggest that it has been used improperly.

And let us just be clear: The current standards are nonexistent. There are no standards. This bill puts into place a reasonable suspicion standard, so it puts into place additional protections other than those that exist currently. And let us just keep in mind that currently we know of no instances where the Constitution of either the Commonwealth or the United States has been violated by the current practice.

For that reason, Mr. Speaker, I would urge members to oppose the amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Krieger, for the second time.

Mr. KRIEGER. Thank you, Mr. Speaker.

I do not usually speak twice, and just a couple things I thought we needed to clarify.

With regard to the argument on schedule II – and I talked a little bit earlier in my remarks about how the law, in addition to setting parameters for behavior, is a teacher, and I asked you carefully to consider the arguments we are hearing. One argument is, since we have had schedule II, then we might as well just expand it to schedule III, IV, and V. Well, that is exactly the erosion I am concerned about. We could stand here and argue about whether we should do it for schedule II; that is not before this House today.

With regard to the comments by the previous speaker regarding the constitutionality of schedule II database, I do not know the answer to that. I do have a case here from the Superior Court that suppressed evidence was obtained without a search warrant from someone's medical records. I think that is certainly analogous.

And I guess I would close again with this and just emphasize the point. The argument we are hearing is inefficiency, that it will be an impediment to law enforcement. Again I would point you back to the Constitution. We all want law enforcement to be successful, but we also balance that with the rights of our citizens. We have a Constitution that has established a Fourth Amendment, or Article I, section 8, of our State Constitution, that deliberately impedes law enforcement. We could say there are no requirements. We could say that if the police suspect it, they could just do it.

There was one other last comment I wanted to make. There was a speaker previous to me that I thought I heard him say that we do not drag people into court who are not criminals, and I hope I misheard that, because if that is the case and that is our attitude, why do we not just do away with the courts? Why do we not do away with juries? Why do we not just allow the police to determine guilt and innocence? I hope that was a misstatement, but that is dangerous to our liberties.

I think it was Thomas Jefferson that said, "Eternal vigilance is the price of liberty." Some of you may think we are fighting too vigorously on this issue. I have children I want to see inherit

the same liberties we have. Liberties are not taken by big steps; they are taken by a small erosion. I see this as a small erosion, and the erosion will yield us little in positive benefit.

Again, I would ask you to support the gentleman's amendment. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Miller amendment.

Mr. Speaker, there have been several comments made here this evening in debate. One, of course, has been regarding our oath of office, which says – for anybody that does not recall that from swearing-in day on the first of January – "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity." Mr. Speaker, the oath of office is not that I am going to protect Pennsylvanians from themselves or that I am going to monitor the behavior of all Pennsylvanians to help the minority with their behavior, Mr. Speaker.

Mr. Speaker, the word "epidemic" has been used over and over and over. I think it is nonsensical that we allow the word "epidemic" to be used – it should be used for a medical illness, Mr. Speaker – to be applied to somebody's personal behavior. You know, we have obesity epidemics now, Mr. Speaker, because people cannot stop from eating too much. We have epidemics of drug abuse now because people cannot stop themselves from abusing drugs, whether they are illegal drugs or pharmaceutical drugs, Mr. Speaker.

Mr. Speaker, to get up and say that you are doing this to protect Pennsylvanians, Mr. Speaker, or you are doing it to help law enforcement, Mr. Speaker, is not your oath of office. Protecting Pennsylvanians under our oath of office is protecting the rights of Pennsylvania citizens, not protecting Pennsylvania citizens from themselves when they have a behavior that is harmful to themselves, Mr. Speaker.

Mr. Speaker, I think that this activity that is occurring here today, and it is interesting some of the personalities involved with supporting the amendment or opposing the amendment and interesting the alliances on this, because, Mr. Speaker, some of the individuals that are supporting this amendment that would stand up against the firearms registry that is being kept by the Pennsylvania State Police through the database that they have created, that the lawsuit was advanced many years over, many years ago on and the courts had found that it was not a database because it was not all-inclusive. Mr. Speaker, this is the same type of situation. Mr. Speaker, to argue that we need this access to your personal information without the proper warrants because it is going to help law enforcement is some of the same types of arguments that have been made to support the illegal gun registry that is being kept in the State, Mr. Speaker.

So, Mr. Speaker, I oppose the underlying legislation. I support this amendment to try to improve it, Mr. Speaker, to ultimately uphold our oath of office, Mr. Speaker, and defend the rights of Pennsylvanians. Our job is not to protect every Pennsylvanian from themselves. We cannot do that. The types of legislation that will be advanced under that premise are endless, Mr. Speaker, and it is ridiculous to think that we should be doing this here today.

This amendment should be supported and Pennsylvanians' rights should be protected, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I do not have a law enforcement background. I was actually, before I came to the General Assembly I was a farmer, and I do not have a law degree, but one thing I do have is an awful lot of common sense. And I want to point to the one issue that has been brought up a number of times here tonight.

The Attorney General's Office for years has had a schedule II database housed in the Attorney General's Office, where they needed nothing to look in and out or get in and out. They had unfettered access. And I have not heard – I have been in the General Assembly for 20 years – I have not heard one instance that there has been any abuse in that schedule II database. And the schedule II database are the most addictive drugs. They are where most of the opiates and the most addictive drugs are housed. And when it comes to, and I am going to call it the disease of addiction, and it is has been called an epidemic because that is what it is. Addiction is a disease. Addiction is a disease, the same as heart disease is or diabetes is.

It is a disease that affects one in three families in the State of Pennsylvania, and if it has not touched your family, you are very, very lucky. It has touched my family. I know because my oldest son was an addict, a heroin addict, so I know what it is like to deal with a loved one who has an addiction.

Mr. Speaker, I am asking you to vote "no" on the Miller amendment. This database is a lifesaving measure, and we cannot tie the hands of our law enforcement when it comes to these dangerous, addictive prescription drugs. Again, Mr. Speaker, the Attorney General has had a schedule II database for years. He has had a schedule II database for years, or her, for years.

Please vote "no" on the Miller amendment. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Miller, for the second time.

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I thank my colleagues for a spirited debate on this issue. I think it is right, given the cause and the questions at hand. I would note, though, that not so much is this an issue of tying law enforcements hands. Right now as it is, law enforcement does not have a database that handles schedules III, IV, and V. This is a massive tool that we are creating. In regards to creating that, we have to be sure we are giving access correctly. The real question to me is not whether government uses information right, it is whether government had the right to the information. No one says you cannot get the information, just get a warrant.

Thank you for the time, Mr. Speaker. I urge a "yes" on this amendment.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—119

Barrar	Evankovich	Kinsey	Petrarca
Bloom	Everett	Kirkland	Pyle
Boyle, K.	Fabrizio	Knowles	Rapp
Bradford	Farina	Kortz	Readshaw
Briggs	Fee	Kotik	Reed
Brooks	Flynn	Krieger	Reese
Brown, V.	Frankel	Longietti	Roae
Brownlee	Freeman	Mackenzie	Rock
Burns	Gabler	Maher	Roebuck
Causer	Gainey	Markosek	Rozzi
Christiana	Gergely	Marshall	Sabatina
Clay	Gillen	McCarter	Saccone
Cohen	Goodman	McGeehan	Sainato
Costa, D.	Greiner	McGinnis	Samuelson
Costa, P.	Grove	McNeill	Sankey
Cox	Haggerty	Mentzer	Schlossberg
Culver	Hahn	Metcalfe	Schreiber
Cutler	Haluska	Metzgar	Simmons
Daley, M.	Harhai	Miller, D.	Sims
Davidson	Harhart	Milne	Smith
Day	Harper	Mirabito	Sonney
Dean	Harris, A.	Molchany	Sturla
Deasy	Harris, J.	Mullery	Thomas
DeLissio	Hickernell	Mundy	Tobash
Denlinger	James	Mustio	Toepel
Donatucci	Kauffman	Neilson	Truitt
Dunbar	Keller, F.	O'Brien	Vitali
Ellis	Keller, M.K.	Oberlander	Waters
Emrick	Keller, W.	Painter	White
English	Kim	Peifer	

NAYS—75

Adolph	Farry	Mahoney	Ravenstahl
Baker	Fleck	Major	Regan
Barbin	Galloway	Marsico	Ross
Benninghoff	Gibbons	Masser	Santarsiero
Bishop	Gillespie	Matzie	Saylor
Bizzarro	Gingrich	Miccarelli	Scavello
Boback	Godshall	Micozzie	Snyder
Brown, R.	Grell	Millard	Stephens
Caltagirone	Hackett	Miller, R.	Stern
Carroll	Hanna	Miranda	Stevenson
Clymer	Harkins	Moul	Swanger
Conklin	Heffley	Murt	Tallman
Corbin	Helm	Neuman	Taylor
Cruz	Hennessey	O'Neill	Toohil
Daley, P.	Kampf	Pashinski	Turzai
Davis	Kavulich	Payne	Vereb
Delozier	Killion	Petri	Watson
Dermody	Kula	Pickett	Youngblood
DiGirolamo	Lucas	Quinn	

NOT VOTING—0

EXCUSED—8

Aument	DeLuca	Lawrence	Parker
Boyle, B.	Evans	Maloney	Wheatley

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

The SPEAKER. Is the gentleman from Allegheny County, Mr. Miller, withdrawing the other two amendments that he had filed?

Mr. D. MILLER. Mr. Speaker, I believe that the requirement of the search warrant in the previous— The SPEAKER. That is not the question. The question is, are you offering those other two amendments or withdrawing them?

Mr. D. MILLER. Thank you, Mr. Speaker. I will withdraw those amendments.

The SPEAKER. The Speaker thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The SPEAKER. For the information of the members, there were two other amendments filed and then subsequently a replacement amendment for those two. The Speaker needs a little bit of time to ascertain whether they are substantially the same. There are a couple terms used that I am not fully familiar with. So until I make that determination, we are going to go over this bill temporarily for a few minutes and go to another bill on the calendar and give me a moment to determine whether or not those amendments are in order or subject to a suspension of the rules.

So HB 1694 is over temporarily.

SUPPLEMENTAL CALENDAR C

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 493, PN 2493**, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities; further providing for definitions and for legislative procedures; providing for procedures for capital budget and for capital project itemization bill; and further providing for reports related to redevelopment assistance capital projects and for appropriations and limitations on projects; providing for review of proposals; and further providing for funding and administration of projects.

On the question, Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Gabler, that the House concur in the amendments inserted by the Senate.

The Speaker recognizes the gentleman, Mr. Gabler, for a brief description of the Senate amendments.

Mr. GABLER. Thank you very much, Mr. Speaker.

Senate amendments to HB 493 were technical in nature. They were designed to do two things. First, they were designed to implement more precise language with respect to references to existing laws governing the itemization of projects, and two, to create clarity with respect to certain definitions existing in law.

Other than that, the substantive content of the bill is exactly the same as the bill passed by this House on February 13, 2013, by a vote of 194 to 2. The version in front of us for concurrence passed the Senate unanimously earlier today by a vote of 49 to 0.

HB 493 ensures proper management of our Redevelopment Assistance Capital Program, which is a revolving debt program that currently has a borrowing limit of \$4.05 billion. By revolving, I mean that it operates like a credit limit on a credit card: Once a payment is made on the debt by the Commonwealth, then the debt can be reissued. This bill reduces the limit from the current level of \$4.05 billion to a new level of \$3.45 billion, or a reduction of \$600 million.

Here in Pennsylvania, with this bill, we are showing that we can work in a bipartisan, bicameral manner to implement good financial management and reduce our debt limit by \$600 million without impacting current pending projects or the future goals of the program. By responsibly managing and paying down these debts, we are ensuring that we can pass a more financially sound Commonwealth on to our children and grandchildren while preserving the ability of the Redevelopment Assistance Capital Program to assist in vital job creation and retention projects.

Additionally, this bill requires a heightened process of transparency and public comment. This bill is a good-government, good-management bill that represents a significant win for taxpayers, for job creators, and for future generations of Pennsylvanians.

For these reasons I respectfully ask for a "yes" vote to concur in Senate amendments and send this bill to the Governor's desk. Thank you very much.

On the question recurring, Will the House concur in Senate amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—194

Table with 4 columns of names: Adolph, Baker, Barbin, Barrar, Benninghoff, Bishop, Bizzarro, Bloom, Boback, Boyle, K., Bradford, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Caltagirone, Carroll, Causer, Christiana, Clay, Clymer, Cohen, Conklin, Corbin, Costa, D., Costa, P., Cox, Cruz, Culver, Cutler, Evankovich, Everett, Fabrizio, Farina, Farry, Fee, Fleck, Flynn, Frankel, Freeman, Gabler, Gainey, Galloway, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Greiner, Grel, Grove, Hackett, Haggerty, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Knowles, Kortz, Kotik, Krieger, Kula, Longietti, Lucas, Mackenzie, Maher, Mahoney, Major, Markosek, Marshall, Marsico, Masser, Matzie, McCarter, McGeehan, McGinnis, McNeill, Mentzer, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, D., Miller, R., Milne, Mirabito, Miranda, Molchany, Pickett, Pyle, Quinn, Rapp, Ravenstahl, Readshaw, Reed, Reese, Regan, Roae, Rock, Roebuck, Ross, Rozzi, Sabatina, Saccone, Sainato, Samuelson, Sankey, Santarsiero, Saylor, Scavello, Schlossberg, Schreiber, Simmons, Sims, Smith, Snyder, Sonney, Stephens, Stern, Stevenson

Daley, M.	Harris, A.	Moul	Sturla
Daley, P.	Harris, J.	Mullery	Swanger
Davidson	Heffley	Mundy	Tallman
Davis	Helm	Murt	Taylor
Day	Hennessey	Mustio	Thomas
Dean	Hickernell	Neilson	Tobash
Deasy	James	Neuman	Toepel
DeLissio	Kampf	O'Brien	Toohil
Delozier	Kauffman	O'Neill	Truitt
Denlinger	Kavulich	Oberlander	Turzai
Dermody	Keller, F.	Painter	Vereb
DiGirolamo	Keller, M.K.	Pashinski	Vitali
Donatucci	Keller, W.	Payne	Waters
Dunbar	Killion	Peifer	Watson
Ellis	Kim	Petrarca	White
Emrick	Kinsey	Petri	Youngblood
English	Kirkland		

NAYS—0

NOT VOTING—0

EXCUSED—8

Aument	DeLuca	Lawrence	Parker
Boyle, B.	Evans	Maloney	Wheatley

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HB 493, PN 2493

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities: further providing for definitions and for legislative procedures; providing for procedures for capital budget and for capital project itemization bill; and further providing for reports related to redevelopment assistance capital projects and for appropriations and limitations on projects; providing for review of proposals; and further providing for funding and administration of projects.

Whereupon, the Speaker, in the presence of the House, signed the same.

The SPEAKER. The House will be at ease for a minute or two.

The House will come to order.

CALENDAR CONTINUED

CONSIDERATION OF HB 1694 CONTINUED

The SPEAKER. We will return to second consideration of HB 1694.

After some deliberation, it is the Speaker's interpretation that these two amendments do not substantially alter the intent of the underlying amendment.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

Mrs. **DAVIDSON** offered the following amendment
No. **A03968**:

89end Bill, page 11, by inserting between lines 28 and 29
(A03896)

(f) Overprescribing.—A practitioner licensed by an appropriate licensing board who knowingly or intentionally prescribes, sells or gives a controlled substance to a patient identified through PAMS as potentially addicted to that controlled substance commits a felony of the third degree and is subject to a civil penalty of not less than \$5,000, or shall be sentenced to imprisonment of not more than 360 days, for the violation. Upon conviction of such an offense, the practitioner's license shall be revoked by the appropriate licensing board.

On the question,
Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the lady from Delaware County, Mrs. Davidson.

Mrs. **DAVIDSON**. Thank you so much, Mr. Speaker.

I believe this is an agreed-to amendment. This amendment simply makes sure that doctors who are overprescribing medications and thereby contributing to the addiction of many of our citizens in Pennsylvania will be penalized for that crime, and that is simply what the amendment does. I believe that drug dealers, regardless of educational attainment, should be punished for their crimes.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

Mr. **BAKER**. Thank you very much, Mr. Speaker.

Mr. Speaker, this amendment actually has not been vetted, has not been agreed to. I suspect the medical community will have some major issues with it. I do not even think we have caucused on these amendments, so I have no choice but to oppose, respectfully, the amendment, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady, Mrs. Davidson, for a second time.

Mrs. **DAVIDSON**. I apologize, Mr. Speaker.

I had numerous discussions with the maker of the bill. We amended some of the language. The amendment is supported by the Attorney General's Office, and that has been verified. I would ask the maker of the underlying bill to also verify that if he would. But I believe that this is a very important amendment because medical professionals that are overprescribing to their patients these pharmaceutical drugs, these controlled substances, should be punished, and that language should be in the law.

We are talking about the disease of addiction, and if we have medical professionals such as Mr. Gosnell, who was prescribing, overprescribing prescription drugs to his patients, we need to hold those folks accountable. And that is why I think this is an important amendment, and I hope that my colleagues on both sides of the aisle will support making sure that these doctors are penalized.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—25

Bishop	Daley, P.	Hanna	Miller, D.
Brown, V.	Davidson	Harris, J.	Miranda
Caltagirone	Dermody	Kim	Ravenstahl
Clay	Freeman	Kinsey	Thomas
Cohen	Gainey	Kirkland	Waters
Costa, D.	Gergely	Markosek	Youngblood
Cruz			

NAYS—169

Adolph	Farry	Longietti	Quinn
Baker	Fee	Lucas	Rapp
Barbin	Fleck	Mackenzie	Readshaw
Barrar	Flynn	Maher	Reed
Benninghoff	Frankel	Mahoney	Reese
Bizzarro	Gabler	Major	Regan
Bloom	Galloway	Marshall	Roae
Boback	Gibbons	Marsico	Rock
Boyle, K.	Gillen	Masser	Roebuck
Bradford	Gillespie	Matzie	Ross
Briggs	Gingrich	McCarter	Rozzi
Brooks	Godshall	McGeehan	Sabatina
Brown, R.	Goodman	McGinnis	Saccone
Brownlee	Greiner	McNeill	Sainato
Burns	Grell	Mentzer	Samuelson
Carroll	Grove	Metcalfe	Sankey
Causser	Hackett	Metzgar	Santarsiero
Christiana	Haggerty	Miccarelli	Saylor
Clymer	Hahn	Micozzie	Scavello
Conklin	Haluska	Millard	Schlossberg
Corbin	Harhai	Miller, R.	Schreiber
Costa, P.	Harhart	Milne	Simmons
Cox	Harkins	Mirabito	Sims
Culver	Harper	Molchany	Smith
Cutler	Harris, A.	Moul	Snyder
Daley, M.	Heffley	Mullery	Sonney
Davis	Helm	Mundy	Stephens
Day	Hennessey	Murt	Stern
Dean	Hickernell	Mustio	Stevenson
Deasy	James	Neilson	Sturla
DeLissio	Kampf	Neuman	Swanger
Delozier	Kauffman	O'Brien	Tallman
Denlinger	Kavulich	O'Neill	Taylor
DiGirolo	Keller, F.	Oberlander	Tobash
Donatucci	Keller, M.K.	Painter	Toepel
Dunbar	Keller, W.	Pashinski	Toohil
Ellis	Killion	Payne	Truitt
Emrick	Knowles	Peifer	Turzai
English	Kortz	Petrarca	Vereb
Evankovich	Kotik	Petri	Vitali
Everett	Krieger	Pickett	Watson
Fabrizio	Kula	Pyle	White
Farina			

NOT VOTING—0

EXCUSED—8

Aument	DeLuca	Lawrence	Parker
Boyle, B.	Evans	Maloney	Wheatley

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

The SPEAKER. Is the lady, Mrs. Davidson, seeking to consider the second amendment?

Mrs. **DAVIDSON** offered the following amendment
No. **A03969**:

Amend Bill, page 11, by inserting between lines 28 and 29 (A03896)

(f) Overprescribing.—A practitioner licensed by an appropriate licensing board who knowingly or intentionally prescribes, sells or gives a controlled substance to a patient identified through PAMS as potentially addicted to that controlled substance shall be subject to revocation of the practitioner's license and shall no longer be permitted to prescribe or dispense medications in this Commonwealth.

On the question,
Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the lady from Delaware County, Mrs. Davidson.

Mrs. **DAVIDSON**. Thank you, Mr. Speaker.

This amendment provides for civil penalties or the revocation of a license of a doctor who is found to be overprescribing prescription medication to his patients. In effect, a doctor who is irresponsibly overprescribing prescription medications to their patients will be subject to revocation of their license, and I would ask for an affirmative vote.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Tioga County, Mr. Baker.

Mr. **BAKER**. Thank you, Mr. Speaker.

For the same reasons I mentioned earlier, I respectfully request a "no" vote. This has not been vetted, it has not been talked about, and as far as I know, it has not even been caused.

So I respectfully request a "no" vote. Thank you.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—20

Brown, V.	Davidson	Hanna	Markosek
Clay	Dermody	Harris, J.	Miranda
Cohen	Freeman	Keller, W.	Ravenstahl
Cruz	Gainey	Kinsey	Thomas
Daley, P.	Goodman	Kirkland	Youngblood

NAYS—174

Adolph	Fabrizio	Longietti	Quinn
Baker	Farina	Lucas	Rapp
Barbin	Farry	Mackenzie	Readshaw
Barrar	Fee	Maher	Reed
Benninghoff	Fleck	Mahoney	Reese
Bishop	Flynn	Major	Regan
Bizzarro	Frankel	Marshall	Roae
Bloom	Gabler	Marsico	Rock

Boback	Galloway	Masser	Roebuck
Boyle, K.	Gergely	Matzie	Ross
Bradford	Gibbons	McCarter	Rozzi
Briggs	Gillen	McGeehan	Sabatina
Brooks	Gillespie	McGinnis	Saccone
Brown, R.	Gingrich	McNeill	Sainato
Brownlee	Godshall	Mentzer	Samuelson
Burns	Greiner	Metcalf	Sankey
Caltagirone	Grell	Metzgar	Santarsiero
Carroll	Grove	Miccarelli	Saylor
Causar	Hackett	Micozzie	Scavello
Christiana	Haggerty	Millard	Schlossberg
Clymer	Hahn	Miller, D.	Schreiber
Conklin	Haluska	Miller, R.	Simmons
Corbin	Harhai	Milne	Sims
Costa, D.	Harhart	Mirabito	Smith
Costa, P.	Harkins	Molchany	Snyder
Cox	Harper	Moul	Sonney
Culver	Harris, A.	Mullery	Stephens
Cutler	Heffley	Mundy	Stern
Daley, M.	Helm	Murt	Stevenson
Davis	Hennessey	Mustio	Sturla
Day	Hickernell	Neilson	Swanger
Dean	James	Neuman	Tallman
Deasy	Kampf	O'Brien	Taylor
DeLissio	Kauffman	O'Neill	Tobash
Delozier	Kavulich	Oberlander	Toepel
Denlinger	Keller, F.	Painter	Toohil
DiGirolamo	Keller, M.K.	Pashinski	Truitt
Donatucci	Killion	Payne	Turzai
Dunbar	Kim	Peifer	Vereb
Ellis	Knowles	Petrarca	Vitali
Emrick	Kortz	Petri	Waters
English	Kotik	Pickett	Watson
Evankovich	Krieger	Pyle	White
Everett	Kula		

NOT VOTING—0

EXCUSED—8

Aument	DeLuca	Lawrence	Parker
Boyle, B.	Evans	Maloney	Wheatley

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 1341, PN 1735 By Rep. MICOZZIE

An Act designating a bridge on that portion of State Route 263 over the Pennypack Creek, Borough of Hatboro, Montgomery County, as the SP4 Robert Preston Ruttle, Jr., Memorial Bridge.

TRANSPORTATION.

HB 1410, PN 2514 (Amended) By Rep. MICOZZIE

An Act designating the interchange of US Route 119 and US Route 22 in Burrell Township, Indiana County, as the Staff Sergeant Glen H. Stivison, Jr., Memorial Interchange.

TRANSPORTATION.

HB 1431, PN 2515 (Amended) By Rep. MICOZZIE

An Act designating the bridge on State Route 3072, Hanover Road, near its intersection with State Route 3092, Lake Road, in Spring Grove Borough, York County, as the Corporal Luke S. Runyan Memorial Bridge; designating the traffic circle on State Route 116 at Hanover Road and Roth's Church Road in Spring Grove, York County, as the Officer David D. Tome Memorial Circle; designating a bridge on State Route 116 in Spring Grove Borough, York County, as the Cameron J. Stambaugh Memorial Bridge; designating a bridge on that portion of State Route 4002 between Intermediate Avenue and Municipal Drive in Dover Borough, York County, as the Zachary R. Clouser Memorial Bridge; and designating the bridge on State Route 74 between Drawbaugh Avenue and Mill Alley, Dover Borough, York County, as the Sergeant Brett E. Walden Memorial Bridge.

TRANSPORTATION.

HB 1596, PN 2187 By Rep. MICOZZIE

An Act redesignating Concord Road (S.R. 3007) in Chester Township, Delaware County, as Judge Robert A. Wright Memorial Road.

TRANSPORTATION.

HB 1599, PN 2194 By Rep. MICOZZIE

An Act designating a bridge on that portion of S.R. 3019 over the Schuylkill River, City of Philadelphia, Philadelphia County, as the Honorable Robert C. Donatucci Memorial Bridge.

TRANSPORTATION.

HB 1665, PN 2288 By Rep. MICOZZIE

An Act designating a portion of State Route 4007 in the Borough of Indiana, Indiana County, as the James Nance Memorial Highway.

TRANSPORTATION.

SB 277, PN 1497 (Amended) By Rep. MICOZZIE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for commercial driver's license qualification standards.

TRANSPORTATION.

SB 546, PN 510 By Rep. MICOZZIE

An Act designating the bridge carrying State Route 88 over the Ten Mile Creek connecting Jefferson Township, Greene County, and East Bethlehem Township, Washington County, as the Lieutenant General William M. Keys Bridge.

TRANSPORTATION.

SB 851, PN 909

By Rep. MICOZZIE

An Act designating a bridge to be constructed on that portion of State Route 222 over the Amtrak rail lines in the City of Lancaster, Lancaster County, replacing the Lititz Pike Bridge, as the Thaddeus Stevens Bridge.

TRANSPORTATION.

BILLS RECOMMENDED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

HB 1632;
 HB 1656;
 HB 1672;
 HB 1694;
 HB 1706;
 SB 358; and
 SB 379.

On the question,
 Will the House agree to the motion?
 Motion was agreed to.

BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 162;
 HB 397;
 HB 890;
 HB 1285;
 HB 1296;
 HB 1502; and
 SB 732.

On the question,
 Will the House agree to the motion?
 Motion was agreed to.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. Seeing no further business before this House, the Speaker recognizes the lady, Mrs. Snyder, from Greene County, who moves that this House do now adjourn until Thursday, October 17, 2013, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:40 p.m., e.d.t., the House adjourned.