

PHARMACY ACT - UNLAWFUL ACTS CONCERNING EMERGENCY PRESCRIPTIONS

Act of Feb. 15, 2018, P.L. 21, No. 8

Cl. 35

Session of 2018

No. 2018-8

SB 542

AN ACT

Amending the act of September 27, 1961 (P.L.1700, No.699), entitled "An act relating to the regulation of the practice of pharmacy, including the sales, use and distribution of drugs and devices at retail; and amending, revising, consolidating and repealing certain laws relating thereto," further defining unlawful acts concerning emergency prescriptions.

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

Section 1. Section 8(2.1) of the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, is amended to read:

Section 8. Unlawful Acts.--It shall be unlawful for:

* * *

(2.1) Any pharmacist to dispense an emergency prescription, unless:

(i) The pharmacist first attempts to obtain an authorization from the authorized prescriber and cannot obtain the authorization.

(ii) The drug which is the subject of the refill is not a controlled dangerous substance.

(iii) The drug which is the subject of the refill is essential to the maintenance of life.

(iv) The drug which is the subject of the refill is essential to the continuation of therapy in chronic conditions, and, in the pharmacist's professional judgment, the interruption of the therapy reasonably might produce an undesirable health consequence, be detrimental to the patient's welfare or cause physical or mental discomfort.

(v) The pharmacist enters on the back of the prescription or on another appropriate, uniformly maintained and readily retrievable record, the date and quantity of the refill, and, in addition, the pharmacist signs the refill.

(vi) The pharmacist provides only one refill of the prescription and the quantity of that refill is in conformity with the prescribed directions for use, but limited to a seventy-two hour emergency supply. **If the prescription is not dispensed or sold in a seventy-two hour supply, an amount not to exceed a thirty-day emergency supply may be dispensed or sold.**

(vii) Within seventy-two hours of dispensing the refill, the pharmacist notifies the prescriber that an emergency prescription has been dispensed.

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Section 2. This act shall take effect immediately.

APPROVED--The 15th day of February, A.D. 2018.

TOM WOLF