

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1987 Session of 2017

INTRODUCED BY BARBIN, SAINATO, READSHAW, JAMES, KIRKLAND, THOMAS, CALTAGIRONE, ROTHMAN, D. COSTA AND DeLUCA, DECEMBER 22, 2017

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 22, 2018

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," providing for
11 dispensing of fentanyl.

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

14 Section 1. The act of April 14, 1972 (P.L.233, No.64), known
15 as The Controlled Substance, Drug, Device and Cosmetic Act, is
16 amended by adding a section to read:

17 Section 4.1. Dispensing of Fentanyl.--(a) Fentanyl and
18 fentanyl derivatives, as used in section 4(1)(ii)23, shall only
19 be dispensed either: <--

20 (1) ~~During~~ TO A PATIENT WHO IS BEING TREATED ON AN IN- <--
21 PATIENT BASIS OR REMAINS IN OBSERVATION STATUS, OR DURING a

1 surgery that takes place in a health care facility as defined in
2 section 103 of the act of July 19, 1979 (P.L.130, No.48), known
3 as the "Health Care Facilities Act."

4 ~~(2) To a patient in a hospice as defined in section 802.1 of~~ <--
5 ~~the "Health Care Facilities Act."~~

6 (2) FOR USE IN PALLIATIVE OR HOSPICE CARE. <--

7 (3) FOR USE IN THE MANAGEMENT OF PAIN ASSOCIATED WITH
8 CANCER.

9 (4) TO A PATIENT WHOSE TREATMENT IS ASSOCIATED WITH A
10 MEDICAL EMERGENCY AS DOCUMENTED IN THE INDIVIDUAL'S MEDICAL
11 RECORD.

12 (B) IN INSTANCES WHERE, IN THE PROFESSIONAL MEDICAL JUDGMENT
13 OF THE PRESCRIBER, FENTANYL IS REQUIRED TO STABILIZE AN
14 INDIVIDUAL'S ACUTE MEDICAL CONDITION, THE PRESCRIBER MAY
15 PRESCRIBE NO MORE THAN A SEVEN-DAY SUPPLY OF FENTANYL. IN ORDER
16 FOR THIS SUBSECTION TO APPLY, THE PRESCRIBER MUST:

17 (1) DOCUMENT THE ACUTE MEDICAL CONDITION IN THE INDIVIDUAL'S
18 MEDICAL RECORD WITH THE PRESCRIBER; AND

19 (2) STATE THE REASON WHY ANOTHER MEDICATION IS NOT
20 APPROPRIATE TO ADDRESS THE ACUTE MEDICAL CONDITION.

21 ~~(b)~~ (C) The department, in consultation with the <--
22 Pennsylvania State Police, shall issue an annual report to the
23 General Assembly. The report shall contain the following:

24 (1) Information on the number of overdoses related to
25 fentanyl and the number of overdoses where fentanyl and opioids
26 were present.

27 (2) Any reduction in the dispensing of fentanyl.

28 ~~(e)~~ (D) This section shall expire two years after the <--
29 effective date of this section.

30 (E) AS USED IN THIS SECTION, THE TERM "PRESCRIBER" SHALL <--

1 HAVE THE MEANING GIVEN TO IT IN SECTION 3 OF THE ACT OF OCTOBER
2 27, 2014 (P.L.2911, NO.191), KNOWN AS THE "ACHIEVING BETTER CARE
3 BY MONITORING ALL PRESCRIPTIONS PROGRAM (ABC-MAP) ACT."

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