

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 655 Session of 2017

INTRODUCED BY YAW, McGARRIGLE, BAKER, ALLOWAY, ARGALL, BARTOLOTTA, RESCHENTHALER, VULAKOVICH, LANGERHOLC, WHITE, COSTA, MENSCH, KILLION, RAFFERTY, YUDICHAK, BROWNE, BREWSTER, HUGHES, STEFANO, SCARNATI, SCAVELLO AND HAYWOOD, MAY 2, 2017

AS AMENDED ON THIRD CONSIDERATION, JUNE 11, 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," further providing for
11 definitions, providing for Pennsylvania Safe and Effective
12 Opioid Prescribing Advisory Council and further providing for
13 promulgation of regulations.

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

16 Section 1. Section 2(b) of the act of April 14, 1972
17 (P.L.233, No.64), known as The Controlled Substance, Drug,
18 Device and Cosmetic Act, is amended by adding a definition to
19 read:

20 Section 2. Definitions.--* * *

21 (b) As used in this act:

22 * * *

1 "Advisory council" means the Pennsylvania Safe and Effective
2 Opioid Prescribing Advisory Council.

3 * * *

4 Section 2. The act is amended by adding a section to read:

5 Section 31.1. Pennsylvania Safe and Effective Opioid
6 Prescribing Advisory Council.--(a) There is established the
7 Pennsylvania Safe and Effective Opioid Prescribing Advisory
8 Council within the Department of Health.

9 (b) The advisory council shall consist of the following
10 members:

11 (1) The Secretary of Health or the secretary's designee.

12 (2) The Secretary of Human Services or the secretary's
13 designee.

14 (3) The Secretary of Drug and Alcohol Programs or the
15 secretary's designee.

16 (4) The Secretary of Aging or the secretary's designee.

17 (5) The Secretary of State or the secretary's designee.

18 (6) The Physician General or the Physician General's
19 designee.

20 (7) The following members appointed by the Governor:

21 (i) Two representatives of a Statewide organization
22 representing the interests of physicians.

23 (ii) Two representatives of a Statewide organization
24 representing the interests of hospitals and health systems.

25 (iii) Two representatives of a Statewide organization
26 representing the interests of dentists.

27 (iv) Two representatives of a Statewide organization
28 representing the interests of nursing professionals.

29 (v) One representative of the Department of Military and
30 Veterans Affairs.

1 (vi) One representative of a regional health care provider
2 based in western Pennsylvania.

3 (vii) One representative of a regional health care provider
4 based in northeastern Pennsylvania.

5 (viii) One representative of a regional health care provider
6 based in central Pennsylvania.

7 (ix) One representative of a regional health care provider
8 of osteopathic medicine based in southeastern Pennsylvania.

9 (x) One representative of an alcohol and chemical dependency
10 treatment center located in northeastern Pennsylvania.

11 (xi) One representative of a Statewide organization
12 representing family physicians.

13 (xii) One representative of a Statewide organization
14 representing the profession of psychiatry.

15 (xiii) One representative of a national organization
16 representing addiction medicine professionals.

17 (xiv) One representative of a Statewide organization
18 representing the interests of drug and alcohol service
19 providers.

20 (xv) One representative of a Statewide organization
21 representing coroners.

22 (XVI) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION
23 REPRESENTING PRIMARILY COMMUNITY PHARMACISTS.

24 (XVII) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION
25 REPRESENTING PRIMARILY HEALTH SYSTEM-BASED PHARMACISTS.

26 (XVIII) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION
27 REPRESENTING EMERGENCY PHYSICIANS.

28 (XIX) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION
29 REPRESENTING OBSTETRICIANS AND GYNECOLOGISTS.

30 (c) The advisory council shall elect a chairperson from

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1 among its members.

2 (d) The advisory council shall meet upon the call of the
3 chairperson, but not less than semiannually. A simple majority
4 of the members shall constitute a quorum.

5 (e) (1) The members of the advisory council shall serve
6 two-year terms commencing with the first Tuesday in January of
7 odd-numbered years and may be reappointed upon reelection to
8 office.

9 (2) Of the initial members appointed by the Governor, nine
10 members shall serve initial terms of one year, and ten members
11 shall serve initial terms of two years. After the initial term,
12 an individual appointed by the Governor shall serve for a term
13 of three years. Individuals appointed by the Governor may be
14 appointed to successive terms.

15 (f) A vacancy on the advisory council shall be filled for
16 the remainder of an unexpired term in the same manner as the
17 original appointment. A member, upon expiration of the term,
18 shall continue to hold office until a successor is appointed.

19 (g) A majority of the membership of the advisory council
20 shall constitute a quorum for the transaction of business.
21 Action may be taken on a matter before the advisory council by a
22 majority vote of the full membership of the advisory council.

23 (h) An advisory council member may not receive compensation
24 for his services, but shall be reimbursed for all necessary
25 travel and other reasonable expenses incurred in connection with
26 the performance of his duties as a member.

27 (i) The advisory council shall examine and make
28 recommendations regarding opioid prescribing and dispensing
29 practices and related policies implemented by the department.

30 (j) The advisory council shall annually issue a report of

1 its activities and recommendations to all of the following:

2 (1) The Governor.

3 (2) The chairperson and minority chairperson of the
4 Health and Human Services Committee of the Senate.

5 (3) The chairperson and minority chairperson of the Health
6 Committee of the House of Representatives.

7 (4) The chairperson and minority chairperson of the Human
8 Services Committee of the House of Representatives.

9 (5) The Secretary of Health.

10 (6) The Secretary of Human Services.

11 (7) The Secretary of Drug and Alcohol Programs.

12 (8) The Secretary of Aging.

13 (K) THE ADVISORY COUNCIL SHALL BE AN AGENCY FOR PURPOSES OF <--
14 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS) AND A COMMONWEALTH
15 AGENCY FOR PURPOSES OF THE ACT OF FEBRUARY 14, 2008 (P.L.6,
16 NO.3), KNOWN AS THE "RIGHT-TO-KNOW LAW."

17 ~~(k)~~ (L) The department shall provide administrative support, <--
18 office space and any other technical assistance required by the
19 advisory council to carry out its duties.

20 Section 3. Section 35 of the act is amended by adding
21 subsections to read:

22 Section 35. Promulgation of Regulations.--* * *

23 (c) The department shall promulgate in accordance with the
24 "Commonwealth Documents Law" regulations relating to the
25 prescription of opioids consistent with the prescribing
26 guidelines issued by the Advisory Council, including:

27 (1) Opioids for treatment of chronic noncancer pain.

28 (2) Emergency department pain treatment guidelines.

29 (3) Opioids in dental practice.

30 (4) Opioid dispensing guidelines.

1 (5) Obstetrics and gynecology pain treatment.

2 (6) Geriatric pain - opioid use and safe prescribing.

3 (7) Use of addiction treatment medications in the treatment
4 of pregnant patients with opioid use disorders.

5 (8) Safe prescribing of benzodiazepines for acute treatment
6 of anxiety and insomnia.

7 (9) Safe prescribing of opioids in orthopedics and sports
8 medicine.

9 In promulgating the regulations, the department shall follow
10 the recommendations of the advisory council issued under section
11 31.1.

12 (d) Regulations under subsection (c), upon being promulgated
13 pursuant to law, shall have the force and effect of law and
14 shall be subject to sanctions by the appropriate licensing
15 boards.

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