
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1463 Session of
2012

INTRODUCED BY FARNESE, TARTAGLIONE AND BOSCOLA, APRIL 16, 2012

REFERRED TO PUBLIC HEALTH AND WELFARE, APRIL 16, 2012

AN ACT

1 Regulating prescriptions to treat erectile dysfunction; imposing
2 professional sanctions; and prescribing penalties.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Men's Right-
7 to-Know Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) Many men are unaware of the risks of erectile
11 dysfunction medication.

12 (2) A thorough medical examination and psychological
13 evaluation are common procedure in determining the need for
14 erectile medication.

15 (3) Psychological and prostate examinations and cardiac
16 stress tests can provide useful information regarding the
17 causes of and treatments for erectile dysfunction.

18 (4) The factual information provided by psychological

1 and prostate examinations and cardiac stress tests is
2 relevant to any decision regarding medicinal treatment of
3 erectile dysfunction.

4 (5) A man considering medicinal treatment for erectile
5 dysfunction has the right to receive complete and accurate
6 information regarding the:

7 (i) reasons for the dysfunction; and

8 (ii) health risks and benefits from being prescribed
9 medication.

10 (6) In recognition of the importance of a man's dignity
11 in making an informed decision about his health care options
12 relating to the treatment of erectile dysfunction, the
13 factual information provided by cardiac stress tests,
14 prostate examinations and psychological examinations should
15 be provided to a man as an integral part of the examination
16 process to undergo medicinal treatment for erectile
17 dysfunction.

18 Section 3. Definitions.

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

22 "Erectile dysfunction." The inability to achieve or maintain
23 an erection long enough to engage in sexual intercourse.

24 "Physician assistant." As defined in:

25 (1) section 2 of the act of October 5, 1978 (P.L.1109,
26 No.261), known as the Osteopathic Medical Practice Act; or

27 (2) section 2 of the act of December 20, 1985 (P.L.457,
28 No.112), known as the Medical Practice Act of 1985.

29 Section 4. Preliminary procedures.

30 (a) Requirements.--Prior to issuing a prescription for a

1 drug intended to treat symptoms of erectile dysfunction, a
2 physician or physician assistant shall do all of the following:

3 (1) Conduct or refer a patient to a specialist that can
4 conduct a cardiac stress test and obtain a result, described
5 in writing, indicating that the patient's cardiac health is
6 compatible with sexual activity.

7 (2) Refer a patient to a sexual therapist approved by
8 the State Board of Medicine or the State Board of Osteopathic
9 Medicine for an assessment of the possible causes of the
10 patient's symptoms of erectile dysfunction.

11 (3) Obtain a written report in which the sexual
12 therapist under paragraph (2) concludes that the patient's
13 symptoms are not solely attributable to one or more
14 psychological conditions.

15 (4) Conduct a prostate examination to ensure that poor
16 prostate health is not a contributing factor to the patient's
17 symptoms of erectile dysfunction.

18 (5) Require the patient to watch a video, and provide
19 written notification, listing all the possible side effects,
20 risks and complications of medicine prescribed to treat
21 symptoms of erectile dysfunction.

22 (6) Require the patient to sign a form acknowledging
23 receipt of written notification under paragraph (5).

24 (7) Obtain a signed affidavit from the patient's sexual
25 partner or partners that the patient has experienced symptoms
26 of erectile dysfunction in the 90 days preceding the date on
27 the affidavit.

28 (b) File.--A copy of the documentation of the procedures
29 under subsection (a) shall be maintained in the patient's file
30 for at least seven years.

1 Section 5. Document to accompany prescription.

2 (a) Physicians and physician assistants.--A physician or a
3 physician assistant who provides a prescription for drugs to a
4 patient for the treatment of symptoms of erectile dysfunction
5 shall provide and sign a document stating that, based upon the
6 tests and procedures under section 4, there are no other
7 potential medical or psychological causes for the patient's
8 erectile dysfunction.

9 (b) Patients.--A patient shall present the document under
10 subsection (a) to a pharmacist when filling the prescription.

11 (c) Pharmacists.--

12 (1) A pharmacist may not fill a prescription for
13 medicine to treat symptoms of erectile dysfunction without
14 presentation of a document under subsection (b).

15 (2) A pharmacist shall maintain a copy of the document
16 under subsection (b) in the patient's pharmacy file for at
17 least seven years.

18 Section 6. Professional sanctions.

19 (a) Medical Practice Act.--A physician or a physician
20 assistant who knowingly violates section 4 or 5(a) shall be
21 deemed to have engaged in unprofessional conduct under section
22 41(8) of the act of December 20, 1985 (P.L.457, No.112), known
23 as the Medical Practice Act of 1985.

24 (b) Osteopathic Medical Practice Act.--

25 (1) A physician who knowingly violates section 4 or 5(a)
26 shall be deemed to have engaged in unprofessional conduct
27 under section 15(a)(8) of the act of October 5, 1978
28 (P.L.1109, No.261), known as the Osteopathic Medical Practice
29 Act.

30 (2) A physician assistant who knowingly violates section

1 4 or 5(a) shall be deemed to have engaged in unprofessional
2 conduct under section 15(b)(9) of the Osteopathic Medical
3 Practice Act.

4 (c) Pharmacy Act.--A pharmacist who knowingly violates
5 section 5(c) shall be subject to discipline under section 7(d.1)
6 of the act of September 27, 1961 (P.L.1700, No.699), known as
7 the Pharmacy Act.

8 Section 7. Criminal penalties.

9 (a) Professionals.--

10 (1) A physician or a physician assistant who knowingly
11 violates section 4 or 5(a) commits a misdemeanor of the third
12 degree.

13 (2) A pharmacist who knowingly violates section 5(c)
14 commits a misdemeanor of the third degree.

15 (b) Individuals.--An individual who executes a document
16 under section 5(a) with knowledge that the document is false
17 commits a misdemeanor of the third degree.

18 Section 20. Effective date.

19 This act shall take effect in 60 days.