

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2203 Session of 2014

INTRODUCED BY DiGIROLAMO, STERN, V. BROWN, McNEILL, YOUNGBLOOD, CALTAGIRONE, SWANGER, HEFFLEY, MIRABITO, HARHAI, MAHONEY, BARBIN, COHEN, MENTZER, MURT, FRANKEL, KORTZ, DeLUCA AND PASHINSKI, APRIL 28, 2014

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 6, 2014

## 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 ~~schedules of controlled substances.~~  
12 RESTRICTING ACCESS TO THE PRESCRIPTION PAINKILLER ZOHYDRO. <--

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

15 Section 1. ~~Section 4(1)(ii) of the act of April 14, 1972~~ <--  
16 ~~(P.L.233, No.64), known as The Controlled Substance, Drug,~~  
17 ~~Device and Cosmetic Act, amended June 23, 2011 (P.L.36, No.7),~~  
18 ~~is amended to read:~~

19 Section 4. ~~Schedules of Controlled Substances. The~~  
20 ~~following schedules include the controlled substances listed or~~  
21 ~~to be listed by whatever official name, common or usual name,~~

~~chemical name, or trade name designated.~~

~~(1) Schedule I—In determining that a substance comes within this schedule, the secretary shall find: a high potential for abuse, no currently accepted medical use in the United States, and a lack of accepted safety for use under medical supervision. The following controlled substances are included in this schedule:~~

~~\* \* \*~~

~~(ii) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:~~

~~1. Acetorphine.~~

~~2. Acetyldihydrocodeine.~~

~~3. Benzylmorphine.~~

~~4. Codeine methylbromide.~~

~~5. Codeine N-Oxide.~~

~~6. Cyprenorphine.~~

~~7. Desomorphine.~~

~~8. Dihydromorphine.~~

~~9. Etorphine.~~

~~10. Heroin.~~

~~11. Hydromorphenol.~~

~~12. Methyldesorphine.~~

~~13. Methylhydromorphine.~~

~~14. Morphine methylbromide.~~

~~15. Morphine methylsulfonate.~~

~~16. Morphine N-Oxide.~~

~~17. Myrophine.~~

~~18. Nicocodeine.~~

1     ~~19. Nicomorphine.~~

2     ~~20. Normorphine.~~

3     ~~21. Pholcodine.~~

4     ~~22. Thebacon.~~

5     ~~23. Zohydro.~~

6     \* \* \*

7     ~~Section 2. This act shall take effect in 60 days.~~

8     SECTION 1.  DEFINITIONS.

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9       THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
10    HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
11    CONTEXT CLEARLY INDICATES OTHERWISE:

12       "PRESCRIBER."  A PHYSICIAN, DENTIST, PHARMACIST, PODIATRIST,  
13    PHYSICIAN ASSISTANT, CERTIFIED NURSE PRACTITIONER, OPTOMETRIST  
14    OR OTHER PERSON LICENSED, REGISTERED OR OTHERWISE PERMITTED TO  
15    PRESCRIBE A CONTROLLED SUBSTANCE, OTHER DRUG OR DEVICE IN THE  
16    COURSE OF PROFESSIONAL PRACTICE IN THIS COMMONWEALTH.

17    SECTION 2.  REQUIREMENTS.

18       AS A CONDITION OF MAINTAINING A PROFESSIONAL LICENSE TO  
19    PRACTICE MEDICINE AND TO MAINTAIN PRESCRIBING AUTHORITY, A  
20    PRESCRIBER MUST COMPLY WITH THE FOLLOWING REQUIREMENTS WHEN  
21    PRESCRIBING ZOXYDOL:

22           (1)  CONDUCT AND DOCUMENT A THOROUGH MEDICAL EVALUATION.

23           (2)  CONDUCT AND DOCUMENT A RISK ASSESSMENT.

24           (3)  DOCUMENT IN THE MEDICAL RECORD THAT THE PRESCRIPTION  
25    OF HYDROCODONE WITHOUT AN ABUSE-DETERRENT FORMULATION IS  
26    REQUIRED FOR THE MANAGEMENT OF PAIN AND THAT NOTHING ELSE  
27    WILL EFFECTIVELY MANAGE THE SEVERE PAIN.

28           (4)  RECEIVE A SIGNED INFORMED CONSENT FORM, INCLUDING  
29    INFORMATION FROM THE DRUG INSERT.

30           (5)  RECEIVE A CHRONIC CONTROLLED SUBSTANCE TREATMENT

1       AGREEMENT THAT SHALL INCLUDE CONDITIONS SUCH AS URINE  
2       SCREENING, PILL COUNTS, SAFE STORAGE AND DISPOSAL AND OTHER  
3       APPROPRIATE CONDITIONS AS DETERMINED BY THE PRESCRIBER.

4           (6)   QUERY THE PENNSYLVANIA PRESCRIPTION ACCOUNTABILITY  
5       MONITORING SYSTEM.

6           (7)   DETERMINE A MAXIMUM DAILY DOSE, OR A NOT-TO-EXCEED  
7       VALUE FOR THE PRESCRIPTION TO BE TRANSMITTED TO THE PHARMACY.

8           (8)   SCHEDULE AND UNDERTAKE PERIODIC FOLLOW-UP VISITS AND  
9       EVALUATIONS AND REFERRALS.

10   SECTION 3.   EFFECTIVE DATE.

11       THIS ACT SHALL TAKE EFFECT IN 60 DAYS.