
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1409 Session of
2015

INTRODUCED BY BROWNE, EICHELBERGER, GREENLEAF, MENSCH, SCAVELLO,
SCHWANK, YUDICHAK, COSTA, BREWSTER, FOLMER, BARTOLOTTA,
RAFFERTY, STEFANO, VULAKOVICH, KILLION AND WARD,
NOVEMBER 16, 2016

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
NOVEMBER 16, 2016

AN ACT

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

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

10 Section 1. Section 8(2.1) of the act of September 27, 1961
11 (P.L.1700, No.699), known as the Pharmacy Act, amended December
12 20, 1985 (P.L.433, No.111), is amended to read:

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

14 * * *

15 (2.1) Any pharmacist to dispense an emergency prescription,
16 unless:

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

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

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

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

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

15 (vi) The pharmacist provides only one refill of the
16 prescription and the quantity of that refill is in conformity
17 with the prescribed directions for use, but limited to a
18 seventy-two hour emergency supply.

19 (vii) Within seventy-two hours of dispensing the refill, the
20 pharmacist notifies the prescriber that an emergency
21 prescription has been dispensed. If the prescription is not
22 dispensed or sold in a seventy-two hour supply, then an amount
23 not to exceed a thirty-day emergency supply may be dispensed or
24 sold.

25 * * *

26 Section 2. This act shall take effect immediately.