

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 353 Session of 2017

INTRODUCED BY NESBIT, MARSICO, NEILSON, CRUZ, DRISCOLL, COX, MILLARD, HILL-EVANS, CARROLL, PHILLIPS-HILL, PICKETT, A. HARRIS, MURT, WARD, IRVIN, GAINEY, SOLOMON, M. QUINN, RADER, STEPHENS, WATSON, ZIMMERMAN, DEAN, BENNINGHOFF, BARRAR, D. MILLER, OBERLANDER AND DAVIS, FEBRUARY 6, 2017

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 6, 2017

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 professional prescription, administration, and dispensing.

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

14 Section 1. Section 11(a) and (b) of the act of April 14,
15 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, are amended to read:

17 Section 11. Professional Prescription, Administration, and
18 Dispensing.--(a) Except when dispensed or administered directly
19 to the patient by a practitioner or his authorized agent, other
20 than a pharmacist, to an ultimate user, no controlled substance

1 in Schedule II[, + may] SHALL be dispensed without [the written] <--
2 an electronic prescription of a practitioner, except in
3 emergency situations AND AS OTHERWISE PROVIDED UNDER THIS <--
4 SUBSECTION, as prescribed by the secretary by regulation. No
5 prescription for a controlled substance in Schedule II may be
6 refilled. AS PRESCRIBED BY THE SECRETARY BY REGULATION, THE <--
7 SECRETARY SHALL PROVIDE AN EXCEPTION TO THE ELECTRONIC
8 PRESCRIPTION REQUIREMENT UNDER THIS SUBSECTION IF THE
9 PRESCRIPTION IS ISSUED:

10 (1) BY A VETERINARIAN;

11 (2) UNDER CIRCUMSTANCES WHEN AN ELECTRONIC PRESCRIPTION IS
12 NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL OR ELECTRICAL
13 FAILURE;

14 (3) BY A PRACTITIONER AND DISPENSED BY A PHARMACY LOCATED
15 OUTSIDE THIS COMMONWEALTH;

16 (4) BY A PRACTITIONER WHO DOES NOT HAVE INTERNET ACCESS; OR

17 (5) BY A PRACTITIONER TREATING A PATIENT IN A HEALTH CARE
18 FACILITY UNDER CIRCUMSTANCES WHEN THE PRACTITIONER REASONABLY
19 DETERMINES THAT ELECTRONICALLY PRESCRIBING A CONTROLLED
20 SUBSTANCE WOULD CAUSE AN UNTIMELY DELAY RESULTING IN AN ADVERSE
21 IMPACT ON THE PATIENT'S MEDICAL CONDITION.

22 (b) Except when dispensed directly by a practitioner, other
23 than a pharmacist, to an ultimate user, no controlled substance
24 in Schedule III or IV[, + may] SHALL be dispensed without [a <--
25 written or oral] an electronic prescription of a practitioner,
26 except in emergency situations, as prescribed by the secretary
27 by regulation AND AS OTHERWISE PROVIDED UNDER THIS SUBSECTION. <--

28 Such prescriptions shall not be filled or refilled more than six
29 months after the date thereof or be refilled more than five
30 times after the date of the prescription unless renewed by the

1 practitioner. AS PRESCRIBED BY THE SECRETARY BY REGULATION, THE <--
2 SECRETARY SHALL PROVIDE AN EXCEPTION TO THE ELECTRONIC
3 PRESCRIPTION REQUIREMENT UNDER THIS SUBSECTION IF THE
4 PRESCRIPTION IS ISSUED:

5 (1) BY A VETERINARIAN;

6 (2) UNDER CIRCUMSTANCES WHEN AN ELECTRONIC PRESCRIPTION IS
7 NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL OR ELECTRICAL
8 FAILURE;

9 (3) BY A PRACTITIONER AND DISPENSED BY A PHARMACY LOCATED
10 OUTSIDE THIS COMMONWEALTH;

11 (4) BY A PRACTITIONER WHO DOES NOT HAVE INTERNET ACCESS; OR

12 (5) BY A PRACTITIONER TREATING A PATIENT IN A HEALTH CARE
13 FACILITY UNDER CIRCUMSTANCES WHEN THE PRACTITIONER REASONABLY
14 DETERMINES THAT ELECTRONICALLY PRESCRIBING A CONTROLLED
15 SUBSTANCE WOULD CAUSE AN UNTIMELY DELAY RESULTING IN AN ADVERSE
16 IMPACT ON THE PATIENT'S MEDICAL CONDITION.

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