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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 597 Session of 2017

INTRODUCED BY GAINEY, KINSEY, O'BRIEN, BULLOCK, MILLARD, READSHAW, ROZZI, D. COSTA, MOUL, STAATS, DEASY, McCARTER, McCLINTON, TOOHIL, YOUNGBLOOD, DRISCOLL, SCHWEYER, V. BROWN, PASHINSKI, COMITTA, THOMAS, KORTZ, GALLOWAY, McNEILL AND R. BROWN, FEBRUARY 24, 2017

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 24, 2017

AN ACT

Amending the act of April 14, 1972 (P.L.233, No.64), entitled "An act relating to the manufacture, sale and possession of controlled substances, other drugs, devices and cosmetics; conferring powers on the courts and the secretary and Department of Health, and a newly created Pennsylvania Drug, Device and Cosmetic Board; establishing schedules of controlled substances; providing penalties; requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations; and repealing an act," further providing for professional prescription, administration and dispensing.

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

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

Section 11. Professional Prescription, Administration, and Dispensing.--* * *

(a.1) (1) Notwithstanding any provision of this act or any other law or regulation to the contrary and except as provided in subparagraph (iii), the following shall apply:

(i) When issuing a prescription for an extended release long-acting opioid analgesic to an adult patient for the first time, a practitioner shall not issue a prescription for more than a seven-day supply.

(ii) In the case of a minor, a practitioner shall not issue a prescription for an extended release long-acting opioid analgesic for more than a seven-day supply at any time and shall discuss with the parent or guardian the risk of abuse potential associated with the use of extended release long-acting opioid analgesic.

(iii) If, in the professional medical judgment of a practitioner, more than a seven-day supply of an extended release long-acting opioid analgesic is required to stabilize an adult patient's emergency medical condition, or the extended release long-acting opioid analgesic is prescribed for chronic pain management, pain associated with a cancer diagnosis or for palliative care, the practitioner may issue a prescription only for the quantity needed to stabilize the patient's condition.

(iv) If a patient's medical condition requires the issuance of a prescription for an extended release long-acting opioid analgesic of more than a seven-day supply in accordance with subparagraph (iii), the condition triggering the prescription shall be documented in the patient's medical record and the practitioner shall indicate that a nonopioid alternative, including an opioid analgesic with abuse-deterrent properties, was either not appropriate or not available to medically address the patient's medical condition.

(2) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph unless the context clearly indicates otherwise:

(i) "Extended release long-acting opioid analgesic" means an opioid analgesic which meets all of the following:

(A) Is subject to the United States Food and Drug Administration's Extended Release and Long-Acting Opioid Analgesics Risk Evaluation and Mitigation Strategy.

(B) Is an opioid analgesic approved for medical use but does not meet the requirements for listing as an opioid analgesic with abuse-deterrent properties pursuant to guidelines published by the United States Food and Drug Administration.

(C) Has been identified as an opioid analgesic that poses a heightened risk to public health and safety.

(ii) "Opioid analgesic" means a Schedule I, Schedule II or Schedule III controlled substance, which is an opiate-like compound derived from the opium poppy or from synthetic or partially synthetic formulas, as approved by the United States Food and Drug Administration for the alleviation or treatment of pain.

(iii) "Opioid analgesic with abuse-deterrent properties" means a formulation or reformulation of an opioid analgesic with physical and chemical properties that make abuse and misuse more difficult.

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