
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 472 Session of
2017

INTRODUCED BY YAW, MCGARRIGLE, BAKER, ALLOWAY, GREENLEAF,
SCAVELLO, ARGALL, YUDICHAK, BARTOLOTTA, RESCHENTHALER,
LANGERHOLC, WHITE, WARD, HUTCHINSON, COSTA, KILLION,
RAFFERTY, BROWNE, BREWSTER AND STEFANO, MARCH 2, 2017

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 2, 2017

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in prescribing opioids to minors,
3 providing for prescribing opioids to individuals and further
4 providing for definitions, for prohibition and for procedure.

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

7 Section 1. The heading of Chapter 52A of Title 35 of the
8 Pennsylvania Consolidated Statutes, added November 2, 2016
9 (P.L.983, No.125), is amended to read:

10 CHAPTER 52A

11 PRESCRIBING OPIOIDS TO [MINORS] INDIVIDUALS

12 Section 2. The definition of "medical emergency" in section
13 52A01 of Title 35, added November 2, 2016 (P.L.983, No.125), is
14 amended to read:

15 § 52A01. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Medical emergency." A situation which, in a prescriber's
4 good faith professional judgment, creates an immediate threat of
5 serious risk to the life or physical health of [a minor] an
6 individual.

7 * * *

8 Section 3. Section 52A03 and 52A04 of Title 35, added
9 November 2, 2016 (P.L.983, No.125), are amended to read:

10 § 52A03. Prohibition.

11 (a) Proscription.--A prescriber may not do any of the
12 following:

13 (1) Prescribe to [a minor] an individual a controlled
14 substance containing an opioid unless the prescriber complies
15 with section 52A04 (relating to procedure).

16 (2) Except as set forth in subsection (b) and subject to
17 section 52A04(c) (1), prescribe to [a minor] an individual
18 more than a seven-day supply of a controlled substance
19 containing an opioid.

20 (b) Exception.--Notwithstanding subsection (a) (1), a
21 prescriber may prescribe to [a minor] an individual more than a
22 seven-day supply of a controlled substance containing an opioid
23 if any of the following apply:

24 (1) In the professional medical judgment of the
25 prescriber, more than a seven-day supply of a controlled
26 substance containing an opioid is required to stabilize the
27 [minor's] individual's acute medical condition. In order for
28 this paragraph to apply, the prescriber must:

29 (i) document the acute medical condition in the
30 [minor's] individual's record with the prescriber; and

1 (ii) indicate the reason why a non-opioid
2 alternative is not appropriate to address the acute
3 medical condition.

4 (2) The prescription is for:

5 (i) management of pain associated with cancer;

6 (ii) use in palliative or hospice care; or

7 (iii) management of chronic pain not associated with
8 cancer.

9 § 52A04. Procedure.

10 (a) Requirements.--Except as set forth in subsection (b),
11 before issuing [a minor] an individual the first prescription in
12 a single course of treatment for a controlled substance
13 containing an opioid, regardless of whether the dosage is
14 modified during that course of treatment, a prescriber shall do
15 all of the following:

16 (1) Assess whether the [minor] individual has taken or
17 is currently taking prescription drugs for treatment of a
18 substance use disorder.

19 (2) Discuss with the [minor and] individual or, if the
20 individual is a minor, with the minor's parent or guardian or
21 with an authorized adult, all of the following:

22 (i) The risks of addiction and overdose associated
23 with the controlled substance containing an opioid.

24 (ii) The increased risk of addiction to controlled
25 substances to individuals suffering from mental or
26 substance use disorders.

27 (iii) The dangers of taking a controlled substance
28 containing an opioid with benzodiazepines, alcohol or
29 other central nervous system depressants.

30 (iv) Other information in the patient counseling

1 information section of the labeling for controlled
2 substances containing an opioid required under 21 C.F.R.
3 201.57(c) (18) (relating to specific requirements on
4 content and format of labeling for human prescription
5 drug and biological products described in § 201.56(b) (1))
6 deemed necessary by the prescriber.

7 (3) Obtain written consent for the prescription from the
8 [minor's] individual or, if the individual is a minor, from
9 the minor's parent or guardian or from an authorized adult.
10 The prescriber shall record the consent on the form under
11 section 52A02(b) (1) (relating to administration). The
12 following apply:

13 (i) The form must contain all of the following:

14 (A) The brand name or generic name and quantity
15 of the controlled substance containing an opioid
16 being prescribed and the amount of the initial dose.

17 (B) A statement indicating that a controlled
18 substance is a drug or other substance that the
19 United States Drug Enforcement Administration has
20 identified as having a potential for abuse.

21 (C) A statement certifying that the prescriber
22 engaged in the discussion under paragraph (2).

23 (D) The number of refills authorized by the
24 prescription under section 52A03(b) (relating to
25 prohibition).

26 (E) The signature of the [minor's] individual
27 or, if the individual is a minor, the signature of
28 the parent or guardian or of an authorized adult, and
29 the date of signing.

30 (ii) The form shall be maintained in the [minor's]

1 individual's record with the prescriber.

2 (b) Exception.--Subsection (a) does not apply if the
3 [minor's] individual's treatment with a controlled substance
4 containing an opioid meets any of the following criteria:

5 (1) The treatment is associated with or incident to a
6 medical emergency as documented in the [minor's] individual's
7 medical record.

8 (2) In the prescriber's professional judgment, complying
9 with subsection (a) with respect to the [minor's]
10 individual's treatment would be detrimental to the [minor's]
11 individual's health or safety. The prescriber shall document
12 in the [minor's] individual's medical record the factor or
13 factors which the prescriber believed constituted cause for
14 not fulfilling the requirements of subsection (a).

15 (c) Limited prescription.--If the individual who signs the
16 consent form under subsection (a) (3) is an authorized adult, the
17 prescriber:

18 (1) may prescribe not more than a single, 72-hour
19 supply; and

20 (2) shall indicate on the prescription the quantity that
21 is to be dispensed pursuant to the prescription.

22 Section 4. This act shall take effect in 180 days.