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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 711 Session of  
2017

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INTRODUCED BY BREWSTER, FONTANA, HUGHES AND COSTA, MAY 24, 2017

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
MAY 24, 2017

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in public safety, providing for limits  
3 on opioid prescriptions.

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

6 Section 1. Title 35 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 52B

9 LIMITS ON OPIOID PRESCRIPTIONS

10 Sec.

11 52B01. Definitions.

12 52B02. Limits on prescribing opioids.

13 52B03. Penalties.

14 § 52B01. Definitions.

15 The following words and phrases when used in this chapter  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "Controlled substance." A drug, substance or immediate

1 precursor included in Schedules II, III, IV and V of section 4  
2 of the act of April 14, 1972 (P.L.233, No.64), known as The  
3 Controlled Substance, Drug, Device and Cosmetic Act.

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

7 "Opioid." Any of the following:

8 (1) A preparation or derivative of opium.

9 (2) A synthetic narcotic that has opiate-like effects  
10 but is not derived from opium.

11 (3) A group of naturally occurring peptides that bind at  
12 or otherwise influence opiate receptors, including opioid  
13 agonist.

14 "Patient." A person that is under the medical care of a  
15 prescriber.

16 "Prescriber." A person that is licensed, registered or  
17 otherwise authorized to distribute, dispense or administer a  
18 controlled substance, other drug or device in the course of  
19 professional practice or research in this Commonwealth. The term  
20 does not include a veterinarian.

21 § 52B02. Limits on prescribing opioids.

22 (a) General rule.--Except as provided in subsection (b):

23 (1) A prescriber may not prescribe to a patient a  
24 combination of opioids in an aggregate amount in excess of  
25 100 morphine milligram equivalents of opioids per day.

26 (2) A prescriber may not prescribe to a patient, who on  
27 the effective date of this section has an active prescription  
28 for opioids in excess of 100 morphine milligram equivalents  
29 of opioids per day, an opioid in an amount that would cause  
30 the patient's total amount of opioids to exceed 300 morphine

1 milligram equivalents of opioids per day. This paragraph  
2 shall expire July 1, 2018.

3 (b) Exceptions.--The prescription limits in subsection (a)  
4 shall not apply under any of the following circumstances:

5 (1) In the professional medical judgment of the  
6 prescriber, the prescription of opioids in an aggregate  
7 amount in excess of 100 morphine milligram equivalents of  
8 opioids per day is required to stabilize a patient's acute  
9 medical condition and the prescriber:

10 (i) documents the acute medical condition in the  
11 patient's record with the prescriber; and

12 (ii) indicates the reason why a nonopioid  
13 alternative is not appropriate to address the acute  
14 medical condition.

15 (2) The prescription is for:

16 (i) management of pain associated with cancer;

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

18 (iii) medication-assisted substance abuse treatment.

19 (3) The prescription is for treatment associated with or  
20 incident to a medical emergency documented in the patient's  
21 medical record.

22 § 52B03. Penalties.

23 A prescriber who violates this chapter shall be subject to  
24 administrative sanctions by the prescriber's licensing board  
25 under applicable law.

26 Section 2. This act shall take effect immediately.