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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 223 Session of 2019

INTRODUCED BY PHILLIPS-HILL, BREWSTER, KILLION, COSTA, YAW, J. WARD AND BROWNE, MARCH 13, 2019

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, MARCH 13, 2019

AN ACT

Amending the act of September 27, 1961 (P.L.1700, No.699), entitled "An act relating to the regulation of the practice of pharmacy, including the sales, use and distribution of drugs and devices at retail; and amending, revising, consolidating and repealing certain laws relating thereto," further providing for definitions and for unlawful acts.

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

Section 1. Section 2 of the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, is amended by adding clauses to read:

Section 2. Definitions.--As used in this act:

* * *

(20) "EMS provider" means "emergency medical services provider" or "EMS provider" as defined in 35 Pa.C.S. § 8103 (relating to definitions).

(21) "Dose package" means an individually sealed package that contains naloxone or another comparable treatment regimen as determined by the Secretary of Health in a standing order to

be used for the reversal of a single opioid-related overdose event.

Section 2. Section 8(2) of the act is amended and the section is amended by adding a clause to read:

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

* * *

(2) [Any] Except as provided in clause (2.2), any person not duly licensed as a pharmacist, pursuant to section 3 hereof, to engage in the practice of pharmacy, including the preparing, compounding, dispensing, selling or distributing at retail to any person any drug, except by a pharmacy intern or such other authorized personnel under the direct and immediate personal supervision of a pharmacist: Provided, however, That nothing herein shall be construed to prevent a duly licensed medical practitioner from dispensing, compounding or otherwise giving any drug to his own patients after diagnosis or treatment of said patient, if such compounding, preparing and dispensing is done by said licensee himself, nor shall anything herein prevent any person from selling or distributing at retail household remedies or proprietary medicines when the same are offered for sale or sold in the original packages which have been put up ready for sale to consumers, provided household remedies or proprietary medicines shall not include any controlled substances or non-proprietary drug under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."

* * *

(2.2) An EMS provider to dispense a dose package unless all of the following apply:

(i) A standing order issued by the Secretary of Health

allows for the purchase of naloxone or a dose package by the public without a prescription.

(ii) The EMS provider determines that it is appropriate to dispense a dose package to a family member, a friend or another individual who is in a position to assist a patient who has experienced an opioid-related overdose event, based on the immediate circumstances surrounding the event or other conditions, including the availability and accessibility of a pharmacy. The following shall apply:

(A) The dispensing of the dose package shall be voluntary on the part of the EMS provider. The following shall apply:

(I) This subclause shall not create any obligation on the part of an EMS provider to stock the dose package or dispense the dose package to the family member, friend or other individual.

(II) The EMS provider shall not incur any liability for not stocking the dose package or not dispensing the dose package to the family member, friend or other individual.

(B) Consistent with section 635.7 of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921," the EMS provider may bill for the dispensing of the dose package under this subclause as a result of the opioid-related overdose event. The reimbursement by an insurer to the EMS provider for the dose package shall not exceed the amount that a pharmacy would have received if the family member, friend or other individual had purchased the naloxone or other comparable regimen at the pharmacy. The EMS provider may not bill for the dispensing of the dose package under this subclause as a result of the opioid-related overdose event if the dose package was supplied to the EMS provider free of charge by a single county

authority or designee.

(iii) The EMS provider enters the date and contents of the dose package under subclause (ii) on the back of the dose package or on another appropriate, uniformly maintained and readily retrievable record. The EMS provider shall also sign the dose package or record.

(iv) The EMS provider provides only one dose package under subclause (ii) and the quantity of that dose package is in conformity with the prescribed directions for use.

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Section 3. This act shall take effect in 60 days.