

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 223 Session of 2021

INTRODUCED BY PHILLIPS-HILL, J. WARD, KEARNEY, TARTAGLIONE,  
CAPPELLETTI, YAW, HAYWOOD AND SCAVELLO, FEBRUARY 11, 2021

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
FEBRUARY 11, 2021

AN ACT

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

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

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

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

13 \* \* \*

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

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

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

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

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

6 \* \* \*

7 (2) [Any] Except as provided in clause (2.2), any person not  
8 duly licensed as a pharmacist, pursuant to section 3 hereof, to  
9 engage in the practice of pharmacy, including the preparing,  
10 compounding, dispensing, selling or distributing at retail to  
11 any person any drug, except by a pharmacy intern or such other  
12 authorized personnel under the direct and immediate personal  
13 supervision of a pharmacist: Provided, however, That nothing  
14 herein shall be construed to prevent a duly licensed medical  
15 practitioner from dispensing, compounding or otherwise giving  
16 any drug to his own patients after diagnosis or treatment of  
17 said patient, if such compounding, preparing and dispensing is  
18 done by said licensee himself, nor shall anything herein prevent  
19 any person from selling or distributing at retail household  
20 remedies or proprietary medicines when the same are offered for  
21 sale or sold in the original packages which have been put up  
22 ready for sale to consumers, provided household remedies or  
23 proprietary medicines shall not include any controlled  
24 substances or non-proprietary drug under the act of April 14,  
25 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug,  
26 Device and Cosmetic Act."

27 \* \* \*

28 (2.2) An EMS provider to dispense a dose package unless all  
29 of the following apply:

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

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

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

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

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

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

19 (B) Unless the dose package was supplied to the EMS provider  
20 free of charge, an EMS provider that dispenses a dose package in  
21 accordance with this clause may bill the patient's insurer, as  
22 that term is defined in section 635.7 of the act of May 17, 1921  
23 (P.L.682, No.284), known as "The Insurance Company Law of 1921,"  
24 for the dispensing of the dose package under this subclause as a  
25 result of the opioid-related overdose event. Payment by the  
26 insurer:

27 (I) May not be denied on the basis that the EMS provider is  
28 not duly licensed as a pharmacist.

29 (II) Shall be consistent with the terms of the patient's  
30 health insurance policy and, if applicable, section 635.7 of The

1 Insurance Company Law of 1921.

2 (III) May not exceed the amount that a pharmacy would have  
3 received if the family member, friend or other individual had  
4 purchased the naloxone or other comparable regimen at the  
5 pharmacy.

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

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

14 \* \* \*

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