

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1987 Session of
2017

INTRODUCED BY BARBIN, SAINATO, READSHAW, JAMES, KIRKLAND,
THOMAS, CALTAGIRONE, ROTHMAN, D. COSTA, DeLUCA AND KORTZ,
DECEMBER 22, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 12, 2018

AN ACT

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

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

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

17 Section 4.1. Dispensing of Fentanyl.--(a) Fentanyl and
18 fentanyl derivatives, as used in section 4(1)(ii)23, shall only
19 be dispensed:

20 (1) To a patient who is being treated on an in-patient basis
21 or remains in observation status, or during a surgery that takes

1 place in a health care facility as defined in section 103 of the
2 act of July 19, 1979 (P.L.130, No.48), known as the "Health Care
3 Facilities Act."

4 (2) For use in palliative or hospice care.

5 (3) For use in the management of pain associated with
6 cancer.

7 (4) FOR USE IN THE MANAGEMENT OF CHRONIC PAIN NOT ASSOCIATED <--
8 WITH CANCER. IN ORDER FOR THIS PARAGRAPH TO APPLY, THE
9 PRESCRIBER MUST:

10 (I) DOCUMENT THE CHRONIC MEDICAL CONDITION IN THE
11 INDIVIDUAL'S MEDICAL RECORD MAINTAINED BY THE PRESCRIBER.

12 (II) STATE THE REASON WHY ANOTHER MEDICATION IS NOT
13 APPROPRIATE TO ADDRESS THE CHRONIC MEDICAL CONDITION.

14 ~~(4)~~ (5) To a patient whose treatment is associated with a <--
15 medical emergency as documented in the individual's medical
16 record.

17 (b) In instances where, in the professional medical judgment
18 of the prescriber, fentanyl is required to stabilize an
19 individual's acute medical condition, the prescriber may
20 prescribe no more than a seven-day supply of fentanyl. In order
21 for this subsection to apply, the prescriber must:

22 (1) document the acute medical condition in the individual's
23 medical record with the prescriber; and

24 (2) state the reason why another medication is not
25 appropriate to address the acute medical condition.

26 (c) The department, in consultation with the Pennsylvania
27 State Police, shall issue an annual report to the General
28 Assembly. The report shall contain the following:

29 (1) Information on the number of overdoses related to
30 fentanyl and the number of overdoses where fentanyl and opioids

1 were present.

2 (2) Any reduction in the dispensing of fentanyl.

3 (d) This section shall expire two years after the effective
4 date of this section.

5 (e) As used in this section, the term "prescriber" shall
6 have the meaning given to it in section 3 of the act of October
7 27, 2014 (P.L.2911, No.191), known as the "Achieving Better Care
8 by Monitoring All Prescriptions Program (ABC-MAP) Act."

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