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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2070 Session of  
2019

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INTRODUCED BY MULLERY, HILL-EVANS, SCHLOSSBERG, FREEMAN,  
KOSIEROWSKI, MURT, HOHENSTEIN, HARKINS, PASHINSKI, DEASY,  
BURGOS, FRANKEL, McNEILL, MADDEN, SCHWEYER, DeLUCA AND  
McCLINTON, NOVEMBER 19, 2019

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REFERRED TO COMMITTEE ON HEALTH, NOVEMBER 19, 2019

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, providing for impact of opioid  
3 epidemic.

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 IMPACT OF OPIOID EPIDEMIC

10 Sec.

11 52B01. Definitions.

12 52B02. Report on impact of opioids.

13 52B03. Summary of current lawsuits.

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:

1 "Administer" or "administration." The direct application or  
2 consumption of an opioid, controlled substance or other drug by  
3 an individual, whether by injection, inhalation, ingestion or  
4 any other means.

5 "Commonwealth agency." An office, department, authority,  
6 board, multistate agency or commission of the executive branch.

7 "Controlled substance." As defined in section 2 of the act  
8 of April 14, 1972 (P.L.233, No.64), known as The Controlled  
9 Substance, Drug, Device and Cosmetic Act.

10 "Counterfeit." A controlled substance, other drug, device or  
11 cosmetic or the container or labeling of which, without  
12 authorization, bears the trademark, trade name or other  
13 identifying mark, imprint, number or device or any likeness of a  
14 manufacturer, distributor or dispenser other than the person who  
15 in fact manufactures, distributes or dispenses the controlled  
16 substance or other drug, device or cosmetic and which is falsely  
17 purported or represented to be the product of, or to have been  
18 distributed by, another manufacturer, distributor or dispenser.

19 "Department." The Department of Health of the Commonwealth.

20 "Designer drug." A substance other than a controlled  
21 substance that is intended for human consumption and that either  
22 has a chemical structure substantially similar to that of a  
23 controlled substance in Schedule I, II or III of The Controlled  
24 Substance, Drug, Device and Cosmetic Act or that produces an  
25 effect substantially similar to that of a controlled substance  
26 in Schedule I, II or III.

27 "Drug." As defined in section 2 of The Controlled Substance,  
28 Drug, Device and Cosmetic Act.

29 "Entity." A government agency or nongovernmental agency.

30 "Government agency." Any Commonwealth agency or any county,

1 city, borough, incorporated town or township of the  
2 Commonwealth.

3 "Nongovernmental agency." Any for-profit or not-for-profit  
4 agency, association or organization.

5 "Opioid-related overdose death." An opioid-related overdose  
6 event where the administration or physical exposure of an opioid  
7 is the primary or secondary cause of death of an individual or a  
8 contributing factor to the death of an individual.

9 "Opioid-related overdose event."

10 (1) An injury to the body that occurs when an opioid is  
11 administered in an excessive amount, whether intentional or  
12 accidental, or when the potency of an opioid or an opioid  
13 that has been mixed or compounded with a counterfeit opioid,  
14 including fentanyl, a designer drug or another drug or  
15 controlled substance causes injury or death, which may be  
16 evidenced or determined by any of the following:

17 (i) An observation of symptoms requiring emergency  
18 medical response.

19 (ii) A clinical suspicion of a drug overdose.

20 (iii) A positive toxicology screen for an opioid or  
21 a negative toxicology screen if there are no other  
22 conditions to explain the clinical symptoms.

23 (2) The term includes, but is not limited to, any of the  
24 following events that result from administering an opioid:

25 (i) Central nervous system depression.

26 (ii) Loss of consciousness or death.

27 (iii) Stimulant effects.

28 (iv) Hallucinations, seizures or unresponsiveness.

29 § 52B02. Report on impact of opioids.

30 (a) Reporting by entities.--The following information shall

1 be reported to the department by the entities required under  
2 this subsection:

3 (1) The number of opioid-related overdose events and  
4 opioid-related overdose deaths in this Commonwealth annually  
5 in the previous five calendar years, Statewide and by county.

6 The following shall apply:

7 (i) Nongovernmental agencies responsible for  
8 reporting information under this paragraph shall include  
9 county coroners or medical examiners, hospitals,  
10 emergency departments and emergency medical service  
11 agencies.

12 (ii) The department shall promulgate regulations  
13 regarding the format and information required when  
14 reporting an opioid-related overdose event or death.  
15 Reports shall be made to the department within 72 hours  
16 of an opioid-related overdose event or death.

17 (2) Information on the number of in-patient hospital  
18 stays in this Commonwealth annually in the previous five  
19 years attributable to opioid-related overdose events.  
20 Nongovernmental agencies responsible for reporting  
21 information under this paragraph shall include hospitals and  
22 emergency departments.

23 (3) Estimates of the annual costs in the previous five  
24 years attributable to opioid-related overdose events  
25 including medical and prescription costs, lost earnings from  
26 premature death and costs of correctional facilities,  
27 emergency services providers and police services. Government  
28 agencies responsible for reporting information under this  
29 paragraph shall include, but not be limited to, the  
30 Department of Revenue, Department of Corrections, Department

1 of Human Services and Pennsylvania State Police.

2 (4) Information on the annual number of parental  
3 fatalities resulting from opioid-related overdose events in  
4 the previous five calendar years and the impact of those  
5 deaths on the foster care system in this Commonwealth and  
6 within each county. Government agencies responsible for  
7 reporting information under this paragraph shall include, but  
8 not be limited to, county children and youth agencies and the  
9 Department of Human Services.

10 (b) Reporting requirements.--The entities responsible for  
11 reporting information to the department under subsection (a)  
12 shall report all initial findings within six months of the  
13 effective date of this subsection and continue to report all  
14 subsequent findings on a monthly basis to the department.

15 (c) Report.--The department shall compile and submit an  
16 annual report to the Governor, the General Assembly and the  
17 Attorney General with information on the impact of opioids in  
18 this Commonwealth for the preceding calendar year. The report  
19 shall include:

20 (1) The information submitted to the department under  
21 subsection (a).

22 (2) Information on the incidence of hepatitis C,  
23 HIV/AIDS, sepsis, endocarditis and other diseases or opioid-  
24 related overdose deaths linked to use of opioids, controlled  
25 substances and other drugs.

26 (3) Any other notable health or economic costs or  
27 impacts experienced by this Commonwealth and each county as a  
28 result of opioid-related overdose events.

29 (d) Publication of report.--The report under subsection (c)  
30 shall be made available on the department's publicly accessible

1 Internet website no later than one year after the effective date  
2 of this subsection and shall be updated on a quarterly basis.

3 (e) Duties of government agencies.--Each government agency  
4 required to provide information to the department under  
5 subsection (a) shall cooperate with and assist the department in  
6 carrying out its duties under this chapter.

7 (f) Regulations.--The department shall promulgate  
8 regulations to enforce the provisions of this chapter. The  
9 regulations shall include, but not be limited to:

10 (1) The form and manner by which an entity must submit  
11 information to the department under subsection (a).

12 (2) The time by which an entity must submit information  
13 to the department under subsection (a).

14 (3) Any other requirements the department deems  
15 necessary and appropriate to carry out the provisions of this  
16 chapter.

17 § 52B03. Summary of current lawsuits.

18 The department shall annually review publicly available  
19 information about lawsuits related to opioid use, abuse or  
20 opioid-related overdose events and deaths provided by attorneys  
21 general or law enforcement agencies in states that have brought  
22 lawsuits and provide a summary of the key elements of each  
23 lawsuit to the Governor, the General Assembly and the Attorney  
24 General. Upon receipt, the Attorney General shall provide the  
25 report to all district attorneys in this Commonwealth.

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