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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 628 Session of  
2023

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INTRODUCED BY BREWSTER, FONTANA AND COSTA, MAY 1, 2023

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REFERRED TO HEALTH AND HUMAN SERVICES, MAY 1, 2023

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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 52C

9 LIMITS ON OPIOID PRESCRIPTIONS

10 Sec.

11 52C01. Definitions.

12 52C02. Limits on prescribing opioids.

13 52C03. Penalties.

14 § 52C01. 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  
19 precursor included in Schedules II, III, IV and V of section 4

1 of the act of April 14, 1972 (P.L.233, No.64), known as The  
2 Controlled Substance, Drug, Device and Cosmetic Act.

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

6 "Opioid." Any of the following:

7 (1) A preparation or derivative of opium.

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

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

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

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

20 § 52C02. Limits on prescribing opioids.

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

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

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

1 shall expire July 1, 2024.

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

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

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

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

14 (2) The prescription is for:

15 (i) management of pain associated with cancer;

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

17 (iii) medication-assisted substance abuse treatment.

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

21 § 52C03. Penalties.

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

25 Section 2. This act shall take effect immediately.