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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2201 Session of  
2018

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INTRODUCED BY ORTITAY, COX, DIGIROLAMO, KAUFER, KAUFFMAN,  
MILLARD, RAPP, READSHAW, ROTHMAN, SAYLOR, TOOHIL AND  
M. QUINN, APRIL 2, 2018

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REFERRED TO COMMITTEE ON HUMAN SERVICES, APRIL 2, 2018

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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 prescribing of opioids and penalties.

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 11.1. Prescribing of opioids; penalties.--(a) The  
18 department shall promulgate regulations for the prescribing of  
19 opioids for use in treatment of the following:

20 (1) Pediatrics and adolescents.

21 (2) Orthopedics and sports medicine.

22 (3) Acute anxiety and insomnia.

1 (4) Pregnant patients who have an opioid addiction.

2 (5) Geriatric patients.

3 (6) Dental patients.

4 (7) Emergency patients.

5 (8) Patients with chronic noncancer pain.

6 (9) Any other patient who is prescribed an opioid.

7 (b) The regulations required under subsection (a) shall be  
8 promulgated as emergency-certified regulations under section  
9 6(d) of the act of June 25, 1982 (P.L.633, No.181), known as the  
10 "Regulatory Review Act."

11 (c) The department shall impose an administrative penalty on  
12 a prescriber for a violation of the regulations under subsection  
13 (a) as follows:

14 (1) For a first violation, five hundred dollars (\$500).

15 (2) For a second violation, one thousand five hundred  
16 dollars (\$1,500).

17 (3) For a third violation, three thousand dollars (\$3,000).

18 (4) For a fourth violation, the department shall notify the  
19 prescriber's licensure board of the violation and the licensure  
20 board shall revoke the prescriber's license.

21 (d) As used in this section, the term "prescriber" shall  
22 have the same meaning as provided in section 3 of the act of  
23 October 27, 2014 (P.L.2911, No.191), known as the "Achieving  
24 Better Care by Monitoring All Prescriptions Program (ABC-MAP)  
25 Act."

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