

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 542 Session of 2017

INTRODUCED BY BROWNE, BARTOLOTTA, EICHELBERGER, GREENLEAF, FOLMER, COSTA, RAFFERTY, YUDICHAK, MENSCH, WARD, BREWSTER, STEFANO, VULAKOVICH, SCAVELLO AND RESCHENTHALER, MARCH 24, 2017

AS AMENDED ON SECOND CONSIDERATION, OCTOBER 17, 2017

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 defining unlawful acts concerning emergency
7 prescriptions.

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

10 Section 1. Section 8(2.1) of the act of September 27, 1961
11 (P.L.1700, No.699), known as the Pharmacy Act, is amended to
12 read:

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

14 \* \* \*

15 (2.1) Any pharmacist to dispense an emergency prescription,
16 unless:

17 (i) The pharmacist first attempts to obtain an authorization
18 from the authorized prescriber and cannot obtain the
19 authorization.

1 (ii) The drug which is the subject of the refill is not a  
2 controlled dangerous substance.

3 (iii) The drug which is the subject of the refill is  
4 essential to the maintenance of life.

5 (iv) The drug which is the subject of the refill is  
6 essential to the continuation of therapy in chronic conditions,  
7 and, in the pharmacist's professional judgment, the interruption  
8 of the therapy reasonably might produce an undesirable health  
9 consequence, be detrimental to the patient's welfare or cause  
10 physical or mental discomfort.

11 (v) The pharmacist enters on the back of the prescription or  
12 on another appropriate, uniformly maintained and readily  
13 retrievable record, the date and quantity of the refill, and, in  
14 addition, the pharmacist signs the refill.

15 (vi) The pharmacist provides only one refill of the  
16 prescription and the quantity of that refill is in conformity  
17 with the prescribed directions for use, but limited to a  
18 seventy-two hour emergency supply. IF THE PRESCRIPTION IS NOT <--  
19 DISPENSED OR SOLD IN A SEVENTY-TWO HOUR SUPPLY, AN AMOUNT NOT TO  
20 EXCEED A THIRTY-DAY EMERGENCY SUPPLY MAY BE DISPENSED OR SOLD.

21 (vii) Within seventy-two hours of dispensing the refill, the  
22 pharmacist notifies the prescriber that an emergency  
23 prescription has been dispensed. If the prescription is not <--  
24 dispensed or sold in a seventy two hour supply, an amount not to  
25 exceed a thirty day emergency supply may be dispensed or sold.

26 \* \* \*

27 Section 2. This act shall take effect immediately.