

1 SB48
2 200534-3
3 By Senator Jones
4 RFD: Healthcare
5 First Read: 05-MAR-19
6 PFD: 03/04/2019

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT
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11 To require each controlled substances certifying
12 board to adopt strategies for mitigating abuse and diversion
13 of controlled substances that include opiate risk education of
14 the patient by the practitioner.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. This act shall be known and may be cited
17 as the Patient Opiate Risk Education Act.

18 Section 2. (a) For the purposes of this act, the
19 following words have the following meanings:

20 (1) CONTROLLED SUBSTANCE. As defined in Section
21 20-2-2, Code of Alabama 1975.

22 (2) CONTROLLED SUBSTANCES CERTIFYING BOARD. Any
23 board of this state that certifies a practitioner to prescribe
24 controlled substances.

25 (3) PRACTITIONER. A health care professional
26 certified to prescribe controlled substances in the course of
27 his or her professional practice. The term practitioner does

1 not include a veterinarian licensed by the Board of Veterinary
2 Medical Examiners.

3 Section 3. (a) Each controlled substances certifying
4 board shall adopt rules regarding practitioner strategies for
5 mitigating abuse and diversion of controlled substances. The
6 rules shall include opiate risk education of the patient by
7 the practitioner. Opiate risk education includes, but is not
8 limited to all of the following:

9 (1) Information on the risks of addiction and
10 overdose associated with opioid drugs and the dangers of
11 taking opioid drugs and alcohol, benzodiazepines, and other
12 central nervous system depressants.

13 (2) The reasons why the prescription given is
14 necessary.

15 (3) Alternative treatment that may be available.

16 (4) Information on the risks associated with the use
17 of the drugs being prescribed, specifically that opioids are
18 highly addictive, even when taken as prescribed, that there is
19 a risk of developing a physical or psychological dependence on
20 the controlled substance, and that the risks of taking more
21 opioids than prescribed, or mixing sedatives, benzodiazepines,
22 or alcohol with opioids may result in fatal respiratory
23 depression.

24 (b) The practitioner may require a written
25 acknowledgement or agreement from the patient, or the parent
26 or guardian of the patient if the patient is under 18 years of
27 age and is not an emancipated minor, that the patient

1 understands the risks of developing a physical or
2 psychological dependence on the controlled substance
3 prescribed.

4 (c) Each controlled substances certifying board
5 shall develop and make available to practitioners on its
6 website a sample patient acknowledgement form.

7 (d) Nothing in this act shall require a practitioner
8 to maintain any written record of any opiate risk education.

9 (e) A controlled substances certifying board may
10 develop opiate risk education protocols for the purposes of
11 this act.

12 Section 4. These rules shall not constitute
13 standards of, nor be construed as evidence for, the practice
14 of medicine. Nothing in this act shall modify, amend, repeal,
15 or supersede any provision of Section 6-5-333, Code of Alabama
16 1975, or the "Alabama Medical Liability Act of 1987"
17 commencing with Section 6-5-540, Code of Alabama 1975, or the
18 Alabama Medical Liability Act of 1996, commencing with Section
19 6-5-548, Code of Alabama 1975, or any amendment to any of the
20 foregoing, or any judicial interpretation of any of the
21 foregoing. Evidence of compliance or noncompliance with this
22 act shall not be admissible to prove the negligence of any
23 party in any civil action.

24 Section 5. This act shall become effective on the
25 first day of the third month following its passage, or its
26 otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Healthcare..... 05-MAR-19

Read for the second time and placed on the calen-
dar with 1 substitute and..... 08-MAY-19

Read for the third time and passed as amended 21-MAY-19

Yeas 26
Nays 0

Patrick Harris,
Secretary.