

SB-59

To further regulate the prescriptions of opioid medications for the intended purpose of both reducing the overdose potential of patients and unilaterally increasing the unlawful over-prescription punishments for opioid prescribers.

IN THE SENATE OF THE AMERICAN LEGION BOYS NATION

Mr. Chen of Pennsylvania introduced the following bill;

A BILL

To further regulate the prescriptions of opioid medications for the intended purpose of both reducing the overdose potential of patients and unilaterally increasing the unlawful over-prescription punishments for opioid prescribers.

Be it enacted by The American Legion Boys Nation Senate assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Opioid Overdose And Over-prescription Prevention Act".

SECTION 2. Opioid Prescription Regulation To Reduce Overdoses

(a) The following regulations shall be imposed on medical practitioners and complied with by public and private healthcare prescribers with the intent to reduce the possibility of an opioid medication overdose --

(1) No medical practitioner shall prescribe more than a 5-day supply of opioid medication for the

treatment of a patient's acute pain --

(A) unless such prescription is for the sole purpose of immediate post-operative surgical acute pain relief, in whose case a medical practitioner may not prescribe more than a 7-day supply of opioid medication.

(B) As referred to, acute pain is pain resulting from illness or trauma that the practitioner reasonably anticipates will last for the duration of three months or less. Acute pain is contrasted directly with chronic pain.

(2) No medical practitioner shall prescribe an opioid medication to a patient without concurrently offering a prescription of another federally approved drug explicitly intended for the complete or partial prevention of an opioid overdose -- such as naloxone hydrochloride -- if the following conditions of the patient are met:

(A) The patient's dosage as measured in Morphine Milligram Equivalents (MME) of the prescription is at or exceeds 40 MME per day.

(B) The patient's prescription of opioid medication occurs concurrently with a prescription of benzodiazepines or xylazine.

(C) The patient is at an increased risk or has a history of overdose or the patient actively retains an addiction to alcohol.

(D) The patient is diagnosed with a substance use disorder.

(b) Medical practitioners found to have a pattern of willful violation of the above regulations are subject to administrative penalties or sanctions as deemed by the practitioner's licensing authority and may include but are not limited to civil penalties, civil injunction, or the revoking of said practitioner's license.

(1) This subsection does not preclude other criminal offenses that the practitioner may have committed in accordance with federal and state law when violating the above regulations or with SECTION 3 of this Act.

SECTION 3. Practitioner Over-prescription Penalty (21 U.S.C. Sec. 841(b)) Increase

(a) Federal penalties of imprisonment and fines as enumerated in federal law (21 U.S.C. Sec. 841(b)) shall be increased for crimes enumerated in the law as they relate to opioid over-prescription as such:

(1) An increase of three years for the lower bound of imprisonment for such persons in violation of (21 U.S.C. Sec. 841(a)) as they relate to opioid over-prescription shall be instated --

(A) such that those in violation shall be sentenced to a term of imprisonment which may not be less than 8 years and more than 40 years.

(2) An increase of five years for the lower bound of imprisonment, and an increase of \$2,000,000.00 for individual-defendant fines, and an increase of \$5,000,000.00 for other-defendant fines for such persons in violation of (21 U.S.C. Sec. 841(a)) as they relate to opioid over-prescription shall be instated if the violator causes death or serious bodily harm to another --

(A) such that those in violation shall be sentenced to a term of imprisonment which may not be less than 25 years and more than life,

(B) such that those in violation shall pay a fine of \$7,000,000.00 for individual-defendants,

(C) such that those in violation shall pay a fine of \$30,000,000.00 for other-defendants.

(3) All other such penalties of imprisonment and fines shall be retained as pursuant to (21 U.S.C. Sec. 841(b)) in the context of criminal activities in (21 U.S.C. Sec. 841(a)).

SECTION 4. Enactment

(a) This Act will take effect immediately after its introduction as law.