

2023 -- S 0793

LC001724

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

Introduced By: Senators Lawson, DiMario, Miller, Lauria, Murray, Euer, Britto, and
Cano

Date Introduced: March 23, 2023

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28-3.20.1 of the General Laws in Chapter 21-28 entitled "Uniform
2 Controlled Substances Act" is hereby amended to read as follows:

3 **21-28-3.20.1. Authority of practitioner to prescribe, administer, and dispense —**
4 **Cancer, palliative care and chronic intractable pain.**

5 (a) A practitioner, in good faith and in the course of his or her professional practice
6 managing pain associated with a cancer diagnosis, palliative or nursing home care, intractable or
7 chronic intractable pain as provided in § 5-37.4-2, or other condition allowed by department of
8 health regulations pursuant to the exception in § 21-28-3.20(d), may prescribe, administer, and
9 dispense controlled substances without regard to the ~~2016 CDC Guideline for Prescribing Opioids~~
10 ~~for Chronic Pain~~ [CDC Clinical Practice Guideline for Prescribing Opioids for Pain--United States,](#)
11 [2022.](#)

12 (b) The director of health may promulgate those rules and regulations necessary to
13 effectuate the provisions of this section and ensure that rules governing pain management
14 associated with a cancer diagnosis, palliative or nursing home care, intractable or chronic
15 intractable pain as provided in § 5-37.4-2, or other condition allowed by department of health
16 regulations pursuant to the exception created in § 21-28-3.20(d), shall:

17 (1) Take into consideration the individualized needs of patients covered by this section;
18 and

19 (2) Make provisions for practitioners, acting in good faith, and in the course of their

1 profession, and managing pain associated with their patients' illness to use their best judgment
2 notwithstanding any statute, rule, or regulation to the contrary.

3 (c) In accordance with the rules and regulations necessary to effectuate the provisions of
4 this section:

5 (1) No podiatric physician and surgeon licensed under this chapter acting in good faith may
6 be subject to criminal or civil liability, or disciplinary action by the board or department for
7 prescribing opioid drugs for legitimate medical purposes in the course of professional practice to a
8 patient with chronic pain who in consultation with their practitioner has deemed an opioid
9 prescription medically appropriate and has signed a written informed consent that is documented
10 in the patient's medical records.

11 (2) No dentist licensed under this chapter acting in good faith may be subject to criminal
12 or civil liability, or disciplinary action by the commission or department of health for prescribing
13 opioid drugs for legitimate medical purposes in the course of professional practice to a patient with
14 chronic pain who in consultation with their practitioner has deemed an opioid prescription
15 medically appropriate and has signed a written informed consent that is documented in the patient's
16 medical records.

17 (3) No osteopathic physician and surgeon licensed under this chapter acting in good faith
18 may be subject to criminal or civil liability, or disciplinary action by the board or department for
19 prescribing opioid drugs for legitimate medical purposes in the course of professional practice to a
20 patient with chronic pain who in consultation with their practitioner has deemed an opioid
21 prescription medically appropriate and has signed a written informed consent that is documented
22 in the patient's medical records.

23 (4) No pharmacist licensed under this chapter acting in good faith may be subject to
24 criminal or civil liability, or disciplinary action by the commission or department for dispensing
25 prescription opioid drugs, after confirming that a prescription is valid, if the prescription opioid
26 drugs were prescribed for legitimate medical purposes in the course of professional practice to a
27 patient with chronic pain who has presented such a prescription and has been provided with
28 consultation.

29 (5) No physician licensed under this chapter acting in good faith may be subject to criminal
30 or civil liability, or disciplinary action by the commission or department of health for prescribing
31 opioid drugs for legitimate medical purposes in the course of professional practice to a patient with
32 chronic pain who in consultation with their practitioner has deemed an opioid prescription
33 medically appropriate and has signed a written informed consent that is documented in the patient's
34 medical records.

1 (6) No physician assistant licensed under this chapter acting in good faith may be subject
2 to criminal or civil liability, or disciplinary action by the commission or department for prescribing
3 opioid drugs for legitimate medical purposes in the course of professional practice to a patient with
4 chronic pain who in consultation with their practitioner has deemed an opioid prescription
5 medically appropriate and has signed a written informed consent that is documented in the patient's
6 medical records.

7 (7) No advanced registered nurse practitioner licensed under this chapter may be subject to
8 criminal or civil liability, or disciplinary action by the commission or department for prescribing
9 opioid drugs for legitimate medical purposes in the course of professional practice to a patient with
10 chronic pain who in consultation with their practitioner has deemed an opioid prescription
11 medically appropriate and has signed a written informed consent that is documented in the patient's
12 medical records.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would replace the reference guide “2016 CDC Guideline for prescribing Opioids
2 for Chronic Pain” with “2022 CDC Guideline for prescribing Opioids for Chronic Pain”. This act
3 would also exempt podiatric physicians, dentists, osteopathic physicians, pharmacists, physicians,
4 physician assistants and registered nurse practitioners from criminal and civil liability or
5 disciplinary action for prescribing medically appropriate opioids.

6 This act would take effect upon passage.

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