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ACLU OF RI POSITION: AMEND

TESTIMONY ON 25-H 5615, RELATING TO FOOD AND DRUGS – UNIFORM CONTROLLED SUBSTANCES ACT March 13, 2025

This Department of Health bill would make various changes to the statutes dealing with the prescribing of opioid-based medications to treat patient pain. Based on our admittedly limited knowledge, the revisions appear to more closely align the state law with CDC standards governing these prescriptions.

Having not had the time to thoroughly review this lengthy bill, we do wish to offer two preliminary comments. First, while we acknowledge the medical profession's need to prevent the misuse of opiates, strict regulatory measures can unnecessarily deter physicians in good faith from prescribing opiates, or opiates at certain levels, to patients in order to address their individualized needs. We are therefore concerned that this bill eliminates language in current law that specifically references the ability of practitioners to prescribe opiates as they deem best, without regard to CDC standards, in treating some individuals [Page 10, line 8]. While other provisions in the bill suggest the availability of physician discretion, the deletion of this explicit acknowledgement may discourage physicians from appropriately prescribing opiates to some patients when they think their pain warrants it. The concern of physician hesitation in prescribing opiates, even when they think it advisable in their best judgment, has been a recurring issue. To the extent the bill can more explicitly address this point and avoid that unwarranted hesitation, that would be helpful.

Second, we note that the bill adds a definition of "chronic pain," differentiating it from "acute pain" and "chronic intractable pain." However, the bill also deletes that term on the only occasions it appears in the current statute. It thus appears to leave in limbo a physician's capabilities in prescribing opiate medication to patients who fit in that category. As suggested by our comments above, we would urge that good faith physician discretion be the standard in caring for patients in that category.

Thank you for considering our views.