

HOUSE No. 2152

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the safe dispensing of pain management medication..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94C of the General Laws is amended by striking Section 23 and
2 replacing it with the following section:-

3 Section 23. (a) A written prescription for a controlled substance in Schedule II shall
4 become invalid 90 days after the date of issuance.

5 (b) A written prescription for a controlled substance in Schedule II shall not be refilled
6 and shall be kept in a separate file.

7 (c) The pharmacist filling a written prescription for a controlled substance in Schedule II
8 shall endorse his own signature on the face thereof.

9 (d) In regard to a controlled substance in Schedule II or III, no prescription shall be filled
10 for more than a ninety-day supply of such substance upon any single filling; provided, however,
11 that with regard to dextro amphetamine sulphate and methyl phenidate hydrochloride, a
12 prescription may be filled for up to a sixty-day supply of such substance upon any single filling
13 if said substance is being used for the treatment of minimal brain dysfunction or narcolepsy;

14 provided further, that subject to regulations of the department and the board of pharmacy,
15 prescriptions for implantable infusion pumps consisting of Schedule II or Schedule III controlled
16 substances may be filled for a maximum of 90 days.

17 (e) All prescriptions for controlled substances shall be kept for two years by the
18 pharmacy and shall be subject to inspection pursuant to the provisions of this chapter.

19 (f) No prescription for a controlled substance shall be refilled unless the original
20 prescription provides for such refilling and unless the number of refills has been specified in said
21 prescription.

22 (g) Unless otherwise prohibited by law, a prescription shall be: (1) written in ink,
23 indelible pencil or by other means; or (2) transmitted electronically; and (3) signed by the
24 prescriber. A prescription may be transmitted electronically with the electronic signature and
25 electronic instructions of the prescriber, and shall be transmitted directly from the prescriber to
26 the pharmacy designated by the patient without alteration of the prescription information, except
27 that third-party intermediaries may act as conduits to route the prescription from the prescriber to
28 the pharmacy.

29 (h) Clinic pharmacies operated by a health maintenance organization licensed under
30 chapter one hundred and seventy-six G and licensed pursuant to section fifty-one of chapter one
31 hundred and eleven may refill prescriptions which have been previously dispensed by another
32 health maintenance organization clinic pharmacy, provided that prior to dispensing a refill, the
33 pharmacy refilling the prescription verifies the appropriateness of the refill through a centralized
34 database.