

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Alan Silvia

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to prescription drugs.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-----------------------------|-----------------------------------|------------------|
| <i>Alan Silvia</i> | <i>7th Bristol</i> | <i>11/4/2013</i> |
| <i>Angelo M. Scaccia</i> | <i>14th Suffolk</i> | |
| <i>Michael J. Rodrigues</i> | <i>First Bristol and Plymouth</i> | |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | |
| <i>Carole Fiola</i> | <i>6th Bristol</i> | |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> | |
| <i>Patricia A. Haddad</i> | <i>5th Bristol</i> | |
| <i>Paul A. Schmid, III</i> | <i>8th Bristol</i> | |

HOUSE No.

By Mr. Silvia of Fall River, a petition (subject to Joint Rule 12) of Alan Silvia and others relative to prescription drugs. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to prescription drugs.

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. Section 1 of chapter 94C of the General Laws is hereby amended by
2 inserting after the definition of “Immediate precursor”, as appearing in the 2012 Official Edition,
3 the following definition:-

4 “Intractable pain”, a pain state in which the cause cannot be removed or otherwise treated
5 and for which no relief or cure has been found.

6 SECTION 2. Said section 1 of said chapter 94C is hereby further amended by inserting
7 after the definition of “Oral prescription”, as so appearing, the following definition:-

8 “Palliative care”, health care treatment, including end-of-life care, to prevent or relieve
9 pain and suffering and to enhance the patient's quality of life.

10 SECTION 3. Section 19 of said chapter 94C, as so appearing, is hereby amended by
11 adding the following subsection:-

12 (e) Notwithstanding subsection (a), a prescription for a controlled substance in Schedule
13 II shall not be issued by a practitioner unless the practitioner conducts a physical or mental health
14 examination prior to the issuance; provided, however, this subsection shall not apply to
15 prescriptions for a controlled substance in Schedule II issued for palliative care or to treat
16 intractable pain.

17 SECTION 4. Section 23 of said chapter 94C, as so appearing, is hereby amended by
18 striking out subsection (d) and inserting in place thereof the following subsection:-

19 (d) In the case of a controlled substance in Schedule III, no prescription shall be filled for
20 more than a 30-day supply of the substance upon any single filling; provided, however, that
21 subject to regulations of the department and the board of pharmacy, prescriptions for implantable
22 infusion pumps consisting of Schedule III controlled substances may be filled for a maximum of
23 90 days.

24 In the case of a controlled substance in Schedule II, no prescription shall be filled for
25 more than a 15-day supply of the substance upon any single filling; provided, however, that with
26 regard to dextro amphetamine sulphate and methyl phenidate hydrochloride, a prescription may
27 be filled for up to a 30-day supply of the substance upon any single filling if the substance is
28 being used for the treatment of minimal brain dysfunction or narcolepsy; provided further, that
29 subject to regulations of the department and the board of pharmacy, prescriptions for implantable
30 infusion pumps consisting of Schedule II controlled substances may be filled for a maximum of
31 90 days; and provided further, that a prescription may be filled for up to a 30-day supply upon
32 any single filling if the substance is being used for palliative care or to treat intractable pain.

33 SECTION 5. Said section 23 of said chapter 94C, as so appearing, is hereby further
34 amended by striking out subsection (f) and inserting in place thereof the following subsection:-

35 (f) No prescription for a controlled substance shall be refilled unless the original
36 prescription provides for the refilling and unless the number of refills has been specified in the
37 prescription; provided, however, no prescription for a controlled substance in Schedule II, except
38 those being prescribed for palliative care or to treat intractable pain, shall be refilled even if the
39 original prescription provides for a refilling.