

**SENATE . . . . . No. 1015**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Barry R. Finegold***

*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 drug distribution.**

PETITION OF:

NAME:

*Barry R. Finegold*

DISTRICT/ADDRESS:

*Second Essex and Middlesex*

**SENATE . . . . . No. 1015**

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By Mr. Finegold, a petition (accompanied by bill, Senate, No. 1015) of Barry R. Finegold for legislation relative to prescription drug distribution. Public Health.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act relative to prescription drug distribution.

*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 18 of chapter 94C of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by inserting after the first paragraph, as amended by section  
3 4 of chapter 244 of the Acts of 2012, the following paragraph:-

4           Nothing in this subsection shall be interpreted to prohibit a retail pharmacy operating  
5 within the commonwealth from filling prescriptions for a narcotic substance contained in  
6 Schedule II of section 3 to residents of states other than Maine and the states contiguous with the  
7 commonwealth, provided, however, that:

8           (1) the pharmacy is licensed for retail by the commonwealth, and, if applicable, registered  
9 with the appropriate regulatory authorities in the state from which the prescription is received,  
10 and the United States Drug Enforcement Administration as applicable, for the dispensing of  
11 controlled substances;

12           (2) the prescription is filled by a pharmacist licensed and registered in the state from  
13 which the prescription originates, if the state of the prescription’s origin requires such  
14 registration and licensing, and was written by a physician licensed to practice medicine and  
15 registered in the same state or a contiguous state to where the prescription is to be delivered, and  
16 registered under federal law to write prescriptions;

17           (3) the prescription is received by the retail pharmacy via mail or commercial carrier, or  
18 through an equivalent electronic means as may be permitted by federal law;

19           (4) a registered pharmacist filling a prescription under this subsection shall determine, in  
20 accordance with professional standards and personal judgment, that such prescription is authentic

21 and valid, legitimate and legal in the state from which it is received, and shall verify the  
22 prescription by telephonic or other means. A pharmacist shall not fill a prescription for which  
23 verification cannot be obtained; any delivery of controlled substances to residents of another  
24 state is in full compliance with all laws and regulations of that state as pertaining to the issuance  
25 and filling of prescriptions;

26 (5) the pharmacy shall comply with all reporting requirements of the state to which the  
27 prescription is delivered, including but not limited to, enrollment in and adherence to the rules,  
28 regulations and requirements of the state's prescription monitoring program, or any program  
29 equivalent thereto, where applicable; and

30 (6) any substances delivered pursuant to this subsection are delivered via mail or by a  
31 commercial carrier to a verified address in the state of residence of the person for whom the  
32 prescription was written, and may not within the territory of the Commonwealth enter into the  
33 hands of any person not directly associated by employment or subcontract with the United States  
34 Postal Service or commercial carrier selected for this purpose.