

# SENATE . . . . . No. 1778

---

Senate, April 29, 2013 - New draft (Senator Finegold) to Senate bill delaying the implementation of a certain law relative to prescription drug distribution, (Senate, No. 1776).

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Thirteen  
\_\_\_\_\_

An Act delaying the implementation of a certain law relative to prescription drug distribution.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to further regulate forthwith prescription drug diversion, abuse and addiction, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 is hereby amended by  
2 striking out subsection (d ½), inserted by section 4 of chapter 244 of the acts of 2012.

3           SECTION 2. Said section 18 of said chapter 94C is hereby amended by inserting after  
4 subsection (d) the following subsection:-

5           (d ½) A prescription for a narcotic substance contained in Schedule II of section 3 may  
6 also be issued by a physician who is licensed to practice medicine and registered in Maine or in a  
7 state contiguous with the commonwealth wherein such physician resides or practices, if required,  
8 and registered under federal law to write prescriptions. A registered pharmacist filling a  
9 prescription under this subsection shall determine, in accordance with professional standards and  
10 personal judgment, that such prescription is authentic and valid and shall verify the prescription  
11 by telephonic or other means. A pharmacist shall not fill a prescription for which a verification  
12 cannot be obtained. A pharmacist shall not be liable for refusing to fill a prescription for which a  
13 verification cannot be obtained provided that documented good faith efforts were made to  
14 determine the authenticity and validity of such prescription. This subsection shall only apply to  
15 authorizations for the filling of prescriptions within the commonwealth, issued within the  
16 preceding 5 days, and shall not authorize such practitioner to possess, administer or dispense  
17 controlled substances under section 9 or to practice medicine within the commonwealth. A

prescription issued under this subsection shall be issued in the manner provided in section 22 and all relevant provisions of this chapter shall apply to any such practitioner and any such prescription. In the case of a prescription for a Schedule II substance filled pursuant to this subsection, a pharmacist shall, within 30 days after filling such prescription, deliver to the department a copy of each such Schedule II prescription; provided, however, that such copy shall not include the name and address of the patient for whom the prescription was issued; and provided further, that such copy and the information contained therein shall not be a public record within the meaning of section 7 of chapter 4 and shall be subject to the restrictions set forth in section 2 of chapter 66A. Nothing in this section shall authorize a mail-order pharmacy.

SECTION 3. Section 2 shall take effect on December 1, 2013.