SENATE DOCKET, NO. 707 FILED ON: 1/17/2013

SENATE . . . . . No. 917

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

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 emergency scheduling of addictive substances by the Commissioner of Public Health.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John F. Keenan	*Norfolk and Plymouth*
Martin J. Walsh	*13th Suffolk*
James M. Murphy	*4th Norfolk*
Michael O. Moore	*Second Worcester*

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SENATE . . . . . No. 917

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 917) of John F. Keenan, Martin J. Walsh, James M. Murphy and Michael O. Moore for legislation relative to emergency scheduling of addictive substances by the Commissioner of Public Health. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to emergency scheduling of addictive substances by the Commissioner of Public Health.

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

SECTION 1. Section 2 of Chapter 94C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following subsection:-

(e) (1) If the Commissioner finds that the scheduling of a drug or substance on a temporary basis is necessary to avoid an imminent hazard to the public safety and is necessary for the preservation of the public health, safety or general welfare, the Commissioner may, by order and without regard to the requirements of this section, schedule such substance in schedule I if the substance is not listed in any other schedule in section 3 of this chapter or if no exception is in effect for the substance under section 4 of this chapter.

(2) When issuing an order under paragraph (1) of this subsection, the Commissioner shall be required to consider, with respect to the finding of an imminent hazard to the public safety, those factors set forth in subsection (b) of this section and, relative to each drug or substance, its actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution.

(3) An order issued under paragraph (1) of this subsection shall be considered an emergency regulation and subject to the provisions of section 3 of chapter 30A and shall remain in effect in accordance with the provisions of said section.

(4) An order issued under paragraph (1) of this subsection is not subject to judicial review.

(5) Upon issuing an order under paragraph (1) of this subsection, the Commissioner shall forward a copy of said order to the Chairs of the Joint Committee on Public Health.

(6) Upon issuing an order under paragraph (1) of this subsection, the Commissioner shall forward a copy of said order to the United States Attorney General for purposes of requesting that the Attorney General temporarily schedule, in accordance with the provisions of the Title 21 United States Code Controlled Substances Act, and or 21 USC 811(h), the drug or substance which is the subject of the Commissioner's order.