

SENATE No. 1040

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 creating patient choice and education in the dispensing of opiate drugs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>

<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>

SENATE No. 1040

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1040) of John F. Keenan, Josh S. Cutler, James M. Cantwell, Robert M. Koczera and other members of the General Court for legislation to create patient choice and education in the dispensing of opiate drugs. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act creating patient choice and education in the dispensing of opiate 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 18 of Chapter 94C of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting the following new subsection:-

3 (d3/4) A prescription for a narcotic substance contained in Schedule II or III of section 3
4 may be filled by the pharmacist in a lesser quantity of the prescribed substance than that quantity
5 which has been indicated on the prescription, if the person presenting the prescription requests
6 the lesser quantity. A prescription filled in a lesser quantity pursuant to this subsection shall no
7 longer be valid for presentation or filling by a pharmacist at a later time for the remaining
8 quantity. Within a reasonable time following any such reduction in quantity, the dispensing
9 pharmacist or the pharmacist’s designee shall notify the prescribing practitioner of the reduction.
10 The notification shall be conveyed by a notation in the interoperable electronic health record of
11 the patient, as defined by section 1 of chapter 118I, or, if the pharmacist does not have the ability
12 to make a notation in the patient’s interoperable electronic health record, by facsimile, electronic

13 transmission or by making a notation in the patient's record maintained by the pharmacy, which
14 shall be accessible to the practitioner by request. Nothing in this subsection shall be interpreted
15 to conflict with or supersede any other requirement established by this section for a prescription
16 of a narcotic substance, or any requirements or conditions for drug substitutions established by
17 chapter 112.

18 SECTION 2. Section 21A of chapter 94C of the General Laws, as so appearing, is hereby
19 amended by inserting after the second paragraph the following new paragraph:-

20 A pharmacist shall counsel any person who presents a new prescription for filling for a
21 narcotic substance in Schedule II or III, of their option to receive a lesser quantity of the
22 prescribed substance than that quantity which has been indicated on the prescription.

23 SECTION 3. Chapter 175 of the General Laws, as amended by chapter 258 of the Acts
24 of 2014, is hereby further amended by inserting after the following new section:-

25 Section 47HH. Any policy, contract, agreement, plan or certificate of insurance issued,
26 delivered or renewed within the commonwealth, which is considered creditable coverage under
27 section 1 of chapter 118M, shall provide, for any covered drug that is a narcotic substance
28 contained in Schedule II or III and that is subject to cost sharing, a schedule that allows for
29 adjustments and reductions in said cost sharing when a person requests a prescription filled in a
30 lesser quantity pursuant to section 18 of chapter 94C.

31 SECTION 4. Chapter 176A of the General Laws, as amended by chapter 258 of the Acts
32 of 2014, is hereby further amended by inserting the following new section:-

33 Section 8JJ. Any contract between a subscriber and the corporation under an individual
34 or group hospital service plan which is delivered, issued or renewed within the commonwealth
35 shall provide, for any covered drug that is a narcotic substance contained in Schedule II or III
36 and that is subject to cost sharing, a schedule that allows for adjustments and reductions in said
37 cost sharing when a person requests a prescription filled in a lesser quantity pursuant to section
38 18 of chapter 94C.

39 SECTION 5. Chapter 176B of the General Laws, as amended by chapter 258 of the Acts
40 of 2014, is hereby further amended by inserting the following new section:-

41 Section 4JJ. Any subscription certificate under an individual or group medical service
42 agreement delivered, issued or renewed within the commonwealth shall provide, for any covered
43 drug that is a narcotic substance contained in Schedule II or III and that is subject to cost sharing,
44 a schedule that allows for adjustments and reductions in said cost sharing when a person requests
45 a prescription filled in a lesser quantity pursuant to section 18 of chapter 94C.

46 SECTION 6. Chapter 176G of the General Laws, as amended by chapter 258 of the Acts
47 of 2014, is hereby further amended by inserting the following new section:-

48 Section 4BB. An individual or group health maintenance contract that is issued or
49 renewed shall provide, for any covered drug that is a narcotic substance contained in Schedule II
50 or III and that is subject to cost sharing, a schedule that allows for adjustments and reductions in
51 said cost sharing when a person requests a prescription filled in a lesser quantity pursuant to
52 section 18 of chapter 94C.