

# SENATE . . . . . No. 2691

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Senate, December 20, 2018 – Text of the further Senate amendment (Senator Lovely) to the House Bill relative to the prescription monitoring program (House, No. 4938).

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court  
(2017-2018)  
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1            Subsection (f) of section 24A of chapter 94C of the General Laws is hereby amended by  
2 striking out clauses (6) and (7), inserted by section 44 of chapter 208 of the acts of 2018, and  
3 inserting in place thereof the following 3 clauses:-

4            (6) personnel of: (A) the United States attorney or a federal agency; provided, however,  
5 that the data request is made pursuant to clause (4) or federal law; (B) the office of the attorney  
6 general provided, however, that the data request is in connection with a bona fide specific  
7 controlled substance or additional drug related investigation and accompanied by a probable  
8 cause warrant issued pursuant to chapter 276 or a civil investigative demand; or (C) a district  
9 attorney’s office; provided, however, that the data request is in connection with a bona fide  
10 specific controlled substance or additional drug related investigation and accompanied by a  
11 probable cause warrant issued pursuant to chapter 276;

12            (7) personnel of the Medicaid fraud control unit within the office of the attorney general;  
13 provided, however, that the data request is made in connection with a bona fide specific  
14 controlled substance or additional drug related investigation of a practitioner, pharmacist,  
15 pharmacy, person required to be a registered participant by this chapter or any other provider  
16 subject to the jurisdiction of a Medicaid fraud control unit under federal law, including, but not

17 limited to, 42 U.S.C. 1396b, et. seq.; and provided further, that, notwithstanding clauses (4) and  
18 (6), the department shall provide the data requested pursuant to this clause without a probable  
19 cause warrant issued pursuant to chapter 276 or a civil investigative demand; or

20 (8) personnel within the office of a district attorney; provided, however, that the data  
21 request is made in connection with a bona fide investigation into the cause and manner of death  
22 of an individual suspected of a drug overdose; provided further, that data provided pursuant to  
23 this clause is limited to the prescription information of the individual suspected of the drug  
24 overdose; and provided further, that, notwithstanding clauses (4) and (6), the department shall  
25 provide the data requested pursuant to this clause without a probable cause warrant issued  
26 pursuant to chapter 276.