

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 prohibiting the sale of dextromethorphan to minors.

PETITION OF:

NAME:

Karen E. Spilka

DISTRICT/ADDRESS:

Second Middlesex and Norfolk

SENATE No.

By Ms. Spilka, a petition (accompanied by bill) (subject to Joint Rule 12) of Karen E. Spilka for legislation to prohibit the sale of dextromethorphan to minors. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act prohibiting the sale of dextromethorphan to minors.

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

1 Chapter 94C of the General Laws is hereby amended by inserting after section 27A the
2 following section:-

3 Section 27B. (a)(1) It shall be unlawful to sell a nonprescription material, compound,
4 mixture or preparation containing any detectable quantity of dextromethorphan, its salts or
5 optical isomers, or salts of optical isomers to any person under the age of 18.

6 (2) It shall be unlawful for any person under the age of 18 to purchase or attempt to
7 purchase a nonprescription material, compound, mixture or preparation containing any detectable
8 quantity of dextromethorphan, its salts or optical isomers, or salts of optical isomers.

9 (3) A nonprescription material, compound, mixture or preparation containing any
10 detectable quantity of dextromethorphan, its salts or optical isomers, or salts of optical isomers
11 shall not be sold unless the purchaser presents photo identification that validates the individual’s
12 age. Valid identification shall include a valid, current form of photo identification issued by a

13 federal, state, county or municipal government, or subdivision or agency thereof, including but
14 not limited to a motor vehicle operator's license, a Massachusetts state identification card, an
15 identification card issued to a member of the Armed Forces or a passport.

16 (4) The Bureau of Health Care Safety and Quality shall promulgate regulations to enforce
17 this subsection. The regulations may include the imposition of civil fines and training related to
18 the danger of dextromethorphan to minors.

19 (b) This section shall not apply to a compound, mixture or preparation containing any
20 detectable quantity of dextromethorphan which is dispensed pursuant to a valid prescription from
21 a licensed practitioner with prescriptive authority.

22 (c) Any pharmacy or retail provider that sells products containing dextromethorphan shall
23 keep an inventory of such products and may limit consumers to certain quantities.

24 (d) The department of public health, board of registration in medicine and board of
25 registration in pharmacy may adopt regulations to implement this section.