

**HOUSE . . . . . No. 2363**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Joseph D. McKenna*

*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 room procedure for prescribing or dispensing pain medication to certain persons on probation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/7/2021</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>2/23/2021</i>

**HOUSE . . . . . No. 2363**

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By Mr. McKenna of Webster, a petition (accompanied by bill, House, No. 2363) of Joseph D. McKenna and Michael J. Soter relative to procedures for prescribing or dispensing pain medications in emergency rooms to certain persons on probation. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1967 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act relative to emergency room procedure for prescribing or dispensing pain medication to certain persons on probation.

*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 111 of the General Laws is hereby amended by inserting after section 51 ½ the  
2 following section:-

3 Section 51 ¾. As used in this section, “pain medication” shall mean any opioid as  
4 defined in section 1 of chapter 94C, benzodiazepine, barbiturate or any other prescription  
5 medication for the treatment of pain that is likely to show up in the results of a urinalysis drug  
6 test.

7 A treating clinician, prior to prescribing or dispensing pain medication to a patient  
8 presenting in an acute-care hospital or satellite emergency facility as those terms are defined in  
9 section 52 ½ , shall ask said patient, to the extent possible , the following questions:

10 “Are you currently on probation?”

11 “Are you currently required to take court mandated drug tests as a condition of your  
12 probation?”

13 If the patient answers in the affirmative to both such questions, the treating clinician shall  
14 administer a urinalysis drug test prior to the prescribing or dispensing of any pain medication.  
15 The treating clinician shall inform the patient that the results of the drug test will be shared with  
16 the department of probation. If the patient answers in the negative to either question, or to both  
17 questions, the treating clinician shall not administer a drug test pursuant to this section.

18 If the patient answers in the affirmative to both such questions and submits to a drug test  
19 as required by this section, the treating clinician shall, in a timely manner, provide the  
20 department of probation with: (i) the patient’s name, (ii) the responses to the questions and  
21 results of the drug test administered pursuant to this section, and (iii) a copy of the prescription  
22 for any pain medication the clinician prescribed or dispensed.

23 This section shall not affect the treating clinician’s diagnosis and treatment of the patient,  
24 including the prescribing or dispensing of pain medication, and shall not prevent a treating  
25 clinician from dispensing pain medication as necessary to a patient in need of urgent medical  
26 treatment.