

**HOUSE . . . . . No. 2405**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Alan Silvia*

*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 providing for informed consent for opioid treatment for pain.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>1/21/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/22/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/19/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/19/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/19/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>

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By Mr. Silvia of Fall River, a petition (accompanied by bill, House, No. 2405) of Alan Silvia and others relative to informed consent for opioid treatment for pain. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3779 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act providing for informed consent for opioid treatment for pain.

*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 adding the following section:-

2 Section 238. Prior to issuing the initial prescription of a Schedule II controlled dangerous  
3 substance or any other opioid drug which is a controlled substance as set forth in section 31 of  
4 chapter 94C in a course of treatment for acute or chronic pain and again prior to issuing the third  
5 prescription of the course of treatment, a practitioner shall discuss with the patient, or the  
6 patient's parent or guardian if the patient is under 18 years of age and is not an emancipated  
7 minor, the risks associated with the drugs being prescribed, including but not limited to: (i) the  
8 risks of addiction and overdose associated with opioid drugs and the dangers of taking opioid  
9 drugs with alcohol, benzodiazepines and other central nervous system depressants; (ii) the  
10 reasons why the prescription is necessary; (iii) alternative treatments that may be available; and

11 (iv) risks associated with the use of the drugs being prescribed, specifically that opioids are  
12 highly addictive, even when taken as prescribed, that there is a risk of developing a physical or  
13 psychological dependence on the controlled dangerous substance, and that the risks of taking  
14 more opioids than prescribed, or mixing sedatives, benzodiazepines or alcohol with opioids, can  
15 result in fatal respiratory depression.

16 The practitioner shall include a note in the patient's medical record that the patient or the  
17 patient's parent or guardian, as applicable, has discussed with the practitioner the risks of  
18 developing a physical or psychological dependence on the controlled dangerous substance and  
19 alternative treatments that may be available.