SENATE DOCKET, NO. 1481 FILED ON: 1/19/2023

SENATE . . . . . No. 1236

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 benzodiazepines and non-benzodiazepine hypnotics.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	*Suffolk and Middlesex*

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SENATE . . . . . No. 1236

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1236) of William N. Brownsberger for legislation relative to benzodiazepines and non-benzodiazepine hypnotics. Mental Health, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1260* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to benzodiazepines and non-benzodiazepine hypnotics.

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

SECTION 1. Section 1 of chapter 94C of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the definition of "Agent" the following definition:-

"Benzodiazepine", any substance or drug which contains a benzene ring fused to a 7 member diazepine ring, results in the depression of the central nervous system and is primarily intended to treat insomnia, convulsions and anxiety, and used for muscle relaxation and pre-operation treatment including alprazolam, clonazepam, diazepam, lorazepam, and temazepam.

SECTION 2. Said section 1 of said chapter 94C, as so appearing, is hereby further amended by inserting after the definition of "Narcotic drug" the following definition:-

"Non-benzodiazepine hypnotic", any substance or drug which produces effects similar to that of a benzodiazepine and is primarily intended to treat insomnia, including zaleplon, zopiclone, and zolpidem.

SECTION 3. The first paragraph of section 21 of said chapter 94C, as so appearing, is hereby amended by adding the following sentence:-

In filling a prescription for a benzodiazepine or a non-benzodiazepine hypnotic prescription, the pharmacist shall ensure that the label includes a cautionary statement explaining the risks associated with long-term use which shall be bolded and contained within a box.

SECTION 4. Said section 21 of said chapter 94C of the General Laws, as so appearing, is hereby further amended by inserting after the third paragraph the following paragraph:-

The department of public health shall produce and distribute either in written or electronic form to pharmacies, not including institutional pharmacies, pamphlets for consumers relative to benzodiazepines and non-benzodiazepine hypnotics that includes educational information about: (i) misuse and abuse by adults and children; (ii) risk of dependency and addiction; (iii) proper storage and disposal; (iv) addiction support and treatment resources; and (v) the telephone helpline operated by the bureau of substance abuse services established in section 18 of chapter 17. A pharmacist shall distribute the pamphlet when dispensing a benzodiazepines or a non-benzodiazepine hypnotic.

SECTION 5. Section 23 of said chapter 94C, as so appearing is hereby amended by adding the following subsection:-

(i) A written prescription for less than a 10 day supply of a benzodiazepine or a non-benzodiazepine hypnotic shall not be refilled.

SECTION 6. Chapter 112 of the General Laws is hereby amended by inserting after section 12GG, as inserted by section 2 of chapter 454 of the acts of 2016, the following section:-

Section 12HH. No practitioner shall prescribe a benzodiazepine or a non-benzodiazepine hypnotic, as defined in section 1 of chapter 94C, without first obtaining the patient's written informed consent. The commissioner of public health shall prescribe a form for physicians to use in obtaining such consent. This form shall be written in a manner designed to permit a person unfamiliar with medical terminology to understand its purpose and content, and shall include the following information: (i) misuse and abuse by adults and children; (ii) risk of dependency and addiction; and (iii) risks associated with long-term use of the drugs.

Nothing in this section is intended to abolish or limit any common law rights of persons other than those whose rights it governs for the purpose of any civil action.

SECTION 7. Said chapter 94C is hereby amended by inserting after section 19C, as inserted by section 92 of chapter 46 of the acts 2015, the following section:-

Section 19D. the department of public health shall promulgate regulations establishing protocols for a patient to safely discontinue the use of benzodiazepines and non-benzodiazepine hypnotics and minimize the patient's symptoms of withdrawal; provided however, that the department shall not mandate that a patient currently prescribed benzodiazepines or non-benzodiazepine hypnotics discontinue use. No practitioner shall discontinue a patient's prescription of a benzodiazepine or non-benzodiazepine hypnotics in a manner inconsistent with

the regulation established by the department of public health, and shall adhere to a patient or symptom guided taper.

SECTION 8. There is hereby established a special commission to study protocols to safely discontinue the use of benzodiazepines and non-benzodiazepine hypnotics and minimize the patient's symptoms of withdrawal. The commission shall consist of 9 members; 1 member of the house of representatives, to be appointed by the speaker of the house; 1 member of the senate, to be appointed by the president of the senate; 4 members to be appointed by the governor, 1 of whom shall be a psychiatrist licensed to practice in the commonwealth, 1 of whom shall be a representative from the bureau of substance abuse services, 1 of whom shall be a representative from the Center for Addiction Medicine at Massachusetts General Hospital, and 1 of whom shall be an advocate from the addiction treatment community; the secretary of health and human services, or a designee; the commissioner of public health, or a designee and the commissioner of mental health, or a designee.

The commission shall report its findings and recommendations to the governor and the clerks of the house of representatives and the senate, including any recommendations for legislation or regulations, within 4 months of the effective date of this act.