

**SENATE . . . . . No. 986**

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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 to protect patients from breakthrough seizures.

PETITION OF:

NAME:

*William N. Brownsberger*

*Jason M. Lewis*

DISTRICT/ADDRESS:

*Second Suffolk and Middlesex*

*Fifth Middlesex*

**SENATE . . . . . No. 986**

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By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 986) of William N. Brownsberger and Jason M. Lewis for legislation to protect patients from breakthrough seizures. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4248 OF 2011-2012.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand Thirteen**  
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An Act to protect patients from breakthrough seizures.

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

1 SECTION 1. Section 1 of Chapter 94C of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by inserting after the definition of “agent,” the following:—

3 “Anti-epileptic drug”, (1) any drug prescribed for the treatment of epilepsy or (2) a drug  
4 used to treat or prevent seizures

5 SECTION 2. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby  
6 further amended by inserting after the definition of “drug paraphernalia,” the following:—

7 “Epilepsy”, a neurological condition characterized by recurrent seizures.

8 SECTION 3. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby  
9 further amended by inserting after the definition of “immediate precursor,” the following:—

10 “Interchange” means the substitution of one version of the same anti-epileptic therapeutic  
11 product, including a generic version for the prescribed brand, a brand version for the prescribed  
12 generic version, a generic version by one manufacturer for a generic version by different  
13 manufacturer, a different formulation of the prescribed anti-epileptic drug or a different anti-  
14 epileptic therapeutic drug product for the anti-epileptic product originally prescribed

15 SECTION 4. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby  
16 further amended by inserting after the definition of “schedule,” the following:—

17 “Seizure”, an acute clinical change secondary to a brief disturbance in the electrical  
18 activity of the brain.

19 SECTION 2. Section 21A of chapter 94C of the General Laws, as so appearing, is  
20 hereby amended by inserting, at the end of the first paragraph, the following new paragraph:

21 A pharmacist may not interchange an anti-epileptic drug or formulation of an anti-  
22 epileptic drug, brand or generic, for the treatment of epileptic seizures without prior notification  
23 of and the signed informed consent of such interchange from the prescribing physician and the  
24 patient, patient’s parent, legal guardian or spouse.