

**HOUSE . . . . . No. 1757**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Walter F. Timilty**

*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 passage of the accompanying bill:

**An Act regulating certain over the counter substances.**

PETITION OF:

NAME:

Walter F. Timilty

DISTRICT/ADDRESS:

7th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3742 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT REGULATING CERTAIN OVER THE COUNTER SUBSTANCES.

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

1           For the purposes of this statute, any drug, material, compound, mixture, preparation or substance  
2 containing any quantity of dextromethorphan, shall be deemed a substance within the meaning of this  
3 clause which may cause a potential for abuse leading to permanent brain damage, coma and possibly  
4 death, Chapter 94 C section 3 of the General Laws are hereby amended by inserting the following text:

5       (7)    Any person who sells or offers to sell to a person under the age of eighteen years any product  
6 containing dextromethorphan shall be liable to a penalty of \$250 for the first violation, \$500 for the  
7 second violation and \$1,000 for the third and each subsequent violation and may be subject to further  
8 actions pursuant to the provisions of this chapter. Any pharmacy or retail provider which sells products  
9 containing dextromethorphan shall keep an inventory of such products and may limit consumers to certain  
10 quantities.