

HOUSE No. 2152

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak

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 relative to the safe dispensing of pain management medication.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John W. Scibak	2nd Hampshire
Martha M. Walz	8th Suffolk
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Marc R. Pacheco	First Plymouth and Bristol
Steven J. D'Amico	4th Bristol
James B. Eldridge	Middlesex and Worcester
Cleon H. Turner	1st Barnstable
Denise Provost	27th Middlesex
James Dwyer	30th Middlesex
Kay Khan	11th Middlesex
Anthony W. Petruccelli	First Suffolk and Middlesex
James J. O'Day	14th Worcester District
Jennifer M. Callahan	18th Worcester
Paul McMurtry	11th Norfolk
Richard J. Ross	9th Norfolk
Bruce E. Tarr	First Essex and Middlesex
Linda Dean Campbell	15th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE SAFE DISPENSING OF PAIN MANAGEMENT MEDICATION.

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. Chapter 94C of the General Laws is amended by striking Section 23 and replacing it
2 with the following section:-

3 Section 23. (a) A written prescription for a controlled substance in Schedule II shall become invalid
4 90 days after the date of issuance.

5 (b) A written prescription for a controlled substance in Schedule II shall not be refilled and shall
6 be kept in a separate file.

7 (c) The pharmacist filling a written prescription for a controlled substance in Schedule II shall
8 endorse his own signature on the face thereof.

9 (d) In regard to a controlled substance in Schedule II or III, no prescription shall be filled for
10 more than a ninety-day supply of such substance upon any single filling; provided, however, that
11 with regard to dextro amphetamine sulphate and methyl phenidate hydrochloride, a prescription
12 may be filled for up to a sixty-day supply of such substance upon any single filling if said
13 substance is being used for the treatment of minimal brain dysfunction or narcolepsy; provided
14 further, that subject to regulations of the department and the board of pharmacy, prescriptions for
15 implantable infusion pumps consisting of Schedule II or Schedule III controlled substances may
16 be filled for a maximum of 90 days.

17 (e) All prescriptions for controlled substances shall be kept for two years by the pharmacy and
18 shall be subject to inspection pursuant to the provisions of this chapter.

19 (f) No prescription for a controlled substance shall be refilled unless the original prescription
20 provides for such refilling and unless the number of refills has been specified in said prescription.

21 (g) Unless otherwise prohibited by law, a prescription shall be: (1) written in ink, indelible pencil
22 or by other means; or (2) transmitted electronically; and (3) signed by the prescriber. A
23 prescription may be transmitted electronically with the electronic signature and electronic

24 instructions of the prescriber, and shall be transmitted directly from the prescriber to the
25 pharmacy designated by the patient without alteration of the prescription information, except that
26 third-party intermediaries may act as conduits to route the prescription from the prescriber to the
27 pharmacy.

28 (h) Clinic pharmacies operated by a health maintenance organization licensed under chapter one hundred
29 and seventy-six G and licensed pursuant to section fifty-one of chapter one hundred and eleven may refill
30 prescriptions which have been previously dispensed by another health maintenance organization clinic
31 pharmacy, provided that prior to dispensing a refill, the pharmacy refilling the prescription verifies the
32 appropriateness of the refill through a centralized database.