

HOUSE No. 4062

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

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:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>

<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 4062

By Mr. McMurtry of Dedham, a petition (subject to Joint Rule 12) of Paul McMurtry and others relative to benzodiazepines and non-benzodiazepine hypnotics. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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:

1 SECTION 1. Section 1 of chapter 94C of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the definition of “Agent” the following
3 definition:-

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

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

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

13 SECTION 3. Said chapter 94C is hereby amended by inserting after section 19C, as
14 inserted by section 92 of chapter 46 of the acts of 2015, the following section:-

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

22 SECTION 4. The first paragraph of section 21 of said chapter 94C, as so appearing, is
23 hereby amended by adding the following sentence:-

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

27 SECTION 5. Said section 21 of said chapter 94C of the General Laws, as so appearing, is
28 hereby further amended by inserting after the third paragraph the following paragraph:-

29 The department of public health shall produce and distribute either in written or
30 electronic form to pharmacies, not including institutional pharmacies, pamphlets for consumers
31 relative to benzodiazepines and non-benzodiazepine hypnotics that includes educational
32 information about: (i) misuse and abuse by adults and children; (ii) risk of dependency and
33 addiction; (iii) proper storage and disposal; (iv) addiction support and treatment resources; and
34 (v) the telephone helpline operated by the bureau of substance abuse services established in

35 section 18 of chapter 17. A pharmacist shall distribute the pamphlet when dispensing a
36 benzodiazepines or a non-benzodiazepine hypnotic.

37 SECTION 6. Section 23 of said chapter 94C, as so appearing is hereby amended by
38 adding the following 2 subsections:-

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

41 (j) A written prescription for a benzodiazepine or a non-benzodiazepine hypnotic shall be
42 written on brightly colored paper and shall include a cautionary statement explaining the risk of
43 dependency and addiction.

44 SECTION 8. Chapter 112 of the General Laws is hereby amended by inserting after
45 section 12EE the following section:-

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

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