

**HOUSE . . . . . No. 00617**

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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:
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>

# HOUSE . . . . . No. 00617

By Mr. John W Scibak of South Hadley, petition (accompanied by bill, House, No. 00617) of Mark Montigny and others relative to the dispensing of controlled substances. Joint Committee on Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 2152 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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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  
2 replacing it with the following section:-

3 Section 23. (a) A written prescription for a controlled substance in Schedule II shall become  
4 invalid 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  
21 prescription.

22 (g) Unless otherwise prohibited by law, a prescription shall be: (1) written in ink, indelible pencil  
23 or by other means; or (2) transmitted electronically; and (3) signed by the prescriber. A  
24 prescription may be transmitted electronically with the electronic signature and electronic  
25 instructions of the prescriber, and shall be transmitted directly from the prescriber to the  
26 pharmacy designated by the patient without alteration of the prescription information, except that  
27 third-party intermediaries may act as conduits to route the prescription from the prescriber to the  
28 pharmacy.

29 (h) Clinic pharmacies operated by a health maintenance organization licensed under chapter one  
30 hundred and seventy-six G and licensed pursuant to section fifty-one of chapter one hundred and

31 eleven may refill prescriptions which have been previously dispensed by another health  
32 maintenance organization clinic pharmacy, provided that prior to dispensing a refill, the  
33 pharmacy refilling the prescription verifies the appropriateness of the refill through a centralized  
34 database.