

SENATE No. 1236

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 relative to benzodiazepines and non-benzodiazepine hypnotics.

PETITION OF:

NAME:

William N. Brownsberger

DISTRICT/ADDRESS:

Suffolk and Middlesex

SENATE No. 1236

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1236) of William N. Brownsberger for legislation relative to benzodiazepines and non-benzodiazepine hypnotics. Mental Health, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1260 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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 2020
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 diazepam 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. The first paragraph of section 21 of said chapter 94C, as so appearing, is
14 hereby amended by adding the following sentence:-

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

18 SECTION 4. Said section 21 of said chapter 94C of the General Laws, as so appearing, is
19 hereby further amended by inserting after the third paragraph the following paragraph:-

20 The department of public health shall produce and distribute either in written or
21 electronic form to pharmacies, not including institutional pharmacies, pamphlets for consumers
22 relative to benzodiazepines and non-benzodiazepine hypnotics that includes educational
23 information about: (i) misuse and abuse by adults and children; (ii) risk of dependency and
24 addiction; (iii) proper storage and disposal; (iv) addiction support and treatment resources; and
25 (v) the telephone helpline operated by the bureau of substance abuse services established in
26 section 18 of chapter 17. A pharmacist shall distribute the pamphlet when dispensing a
27 benzodiazepines or a non-benzodiazepine hypnotic.

28 SECTION 5. Section 23 of said chapter 94C, as so appearing is hereby amended by
29 adding the following subsection:-

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

32 SECTION 6. Chapter 112 of the General Laws is hereby amended by inserting after
33 section 12GG, as inserted by section 2 of chapter 454 of the acts of 2016, the following section:-

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

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

43 SECTION 7. Said chapter 94C is hereby amended by inserting after section 19C, as
44 inserted by section 92 of chapter 46 of the acts 2015, the following section:-

45 Section 19D. the department of public health shall promulgate regulations establishing
46 protocols for a patient to safely discontinue the use of benzodiazepines and non-benzodiazepine
47 hypnotics and minimize the patient's symptoms of withdrawal; provided however, that the
48 department shall not mandate that a patient currently prescribed benzodiazepines or non-
49 benzodiazepine hypnotics discontinue use. No practitioner shall discontinue a patient's
50 prescription of a benzodiazepine or non-benzodiazepine hypnotics in a manner inconsistent with

51 the regulation established by the department of public health, and shall adhere to a patient or
52 symptom guided taper.

53 SECTION 8. There is hereby established a special commission to study protocols to
54 safely discontinue the use of benzodiazepines and non-benzodiazepine hypnotics and minimize
55 the patient's symptoms of withdrawal. The commission shall consist of 9 members; 1 member
56 of the house of representatives, to be appointed by the speaker of the house; 1 member of the
57 senate, to be appointed by the president of the senate; 4 members to be appointed by the
58 governor, 1 of whom shall be a psychiatrist licensed to practice in the commonwealth, 1 of
59 whom shall be a representative from the bureau of substance abuse services, 1 of whom shall be
60 a representative from the Center for Addiction Medicine at Massachusetts General Hospital, and
61 1 of whom shall be an advocate from the addiction treatment community; the secretary of health
62 and human services, or a designee; the commissioner of public health, or a designee and the
63 commissioner of mental health, or a designee.

64 The commission shall report its findings and recommendations to the governor and the
65 clerks of the house of representatives and the senate, including any recommendations for
66 legislation or regulations, within 4 months of the effective date of this act.