

HOUSE No. 3594

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>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>William M. Straus</i>	<i>10th Bristol</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>

<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>William Crocker</i>	<i>2nd Barnstable</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>

HOUSE No. 3594

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3594) of Paul McMurtry and others relative to benzodiazepines and non-benzodiazepine hypnotics. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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. 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. There is hereby established a special commission to study protocols to
44 safely discontinue the use of benzodiazepines and non-benzodiazepine hypnotics and minimize
45 the patient’s symptoms of withdrawal. The commission shall consist of 9 members; 1 member
46 of the house of representatives, to be appointed by the speaker of the house; 1 member of the
47 senate, to be appointed by the president of the senate; 4 members to be appointed by the
48 governor, 1 of whom shall be a psychiatrist licensed to practice in the commonwealth, 1 of
49 whom shall be a representative from the bureau of substance abuse services, 1 of whom shall be
50 a representative from the Center for Addiction Medicine at Massachusetts General Hospital, and
51 1 of whom shall be an advocate from the addiction treatment community; the secretary of health
52 and human services, or a designee; the commissioner of public health, or a designee and the
53 commissioner of mental health, or a designee.

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