

# HOUSE . . . . . No. 4242

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 5, 2016.

The committee on Public Health to whom were referred petition (accompanied by bill, House, No. 1880) of James Arciero and Jeffrey A. Hardy for legislation to permit the internment of cremated remains in certain columbaria which are aesthetically consistent with the surrounding area; the petition (accompanied by bill, House, No. 1882) of Bruce J. Ayers and others that the Department of Public Health be directed to study the feasibility of absorbing oversight of “memory care” assisted living facilities and units in the Commonwealth; the petition (accompanied by bill, House, No. 1887) of F. Jay Barrows, Elizabeth A. Poirier and Kimberly N. Ferguson relative to hospitals providing cardiac catheterization services; the petition (accompanied by bill, House, No. 1890) of Nicholas A. Boldyga and others relative to the parameters for protective custody; the petition (accompanied by bill, House, No. 1891) of Barbara Cannon relative to parental access to medical records; the petition (accompanied by bill, House, No. 1892) of Carl Tripp and Jason M. Lewis relative to naturopathic medicine; the petition (accompanied by bill, House, No. 1893) of Garrett J. Bradley for legislation to repeal the medical peer review statute; the petition (accompanied by bill, House, No. 1897) of Linda Dean Campbell and Frank A. Moran relative to the reporting of drug overdose deaths; the petition (accompanied by bill, House, No. 1898) of James M. Cantwell and others for legislation to increase power plant safety preparedness by the Department of Public Health to twenty miles; the petition (accompanied by bill, House, No. 1899) of James M. Cantwell and others for legislation to authorize the Department of Public Health to make assessments against power plants; the petition (accompanied by bill, House, No. 1900) of James M. Cantwell relative to the disclosure of health care information; the petition (accompanied by bill, House, No. 1901) of James M. Cantwell relative to cremation; the petition (accompanied by bill, House, No. 1903) of James

M. Cantwell that the Department of Public Health be directed to establish a positive social norms marketing public school grant program; the petition (accompanied by bill, House, No. 1906) of Tackey Chan and Michael O. Moore relative to the timely issuance of death certificates to funeral directors; the petition (accompanied by bill, House, No. 1908) of Leah Cole and others relative to the reduction of medication waste; the petition (accompanied by bill, House, No. 1909) of Nick Collins relative to clarifying patient safety procedures; the petition (accompanied by bill, House, No. 1911) of Nick Collins and others for legislation to establish a state health service corps within the Executive Office of Health and Human Services to ensure the quality, affordability and access to primary and preventive health care throughout the Commonwealth; the petition (accompanied by bill, House, No. 1913) of Josh Polonsky for legislation to require diaper-changing areas in restrooms of certain restaurants; the petition (accompanied by bill, House, No. 1916) of Mark J. Cusack relative to the joint negotiation prohibition for integrated systems in health care; the petition (accompanied by bill, House, No. 1920) of Mark J. Cusack and Michael J. Finn for legislation to establish a system of mobile integrated health care in the Commonwealth; the petition (accompanied by bill, House, No. 1922) of Marjorie C. Decker relative to tests of newborn children for treatable disorders or diseases; the petition (accompanied by bill, House, No. 1925) of Geoff Diehl and others relative to establishing provisions for the return of expired pharmaceuticals; the petition (accompanied by bill, House, No. 1927) of Brian J. Coppola and Marcos A. Devers relative to printing information on prescription medication labels in a format accessible to print challenged persons; the petition (accompanied by bill, House, No. 1928) of Daniel M. Donahue and others relative to the administration of controlled substances; the petition (accompanied by bill, House, No. 1929) of Shawn Dooley, Chris Walsh and Shaunna L. O'Connell for an investigation by a special commission (including members of the General Court) relative to reducing the amount of excess prescription narcotics; the petition (accompanied by bill, House, No. 1931) of James J. Dwyer relative to disproportionate share and geographically isolated hospitals; the petition (accompanied by bill, House, No. 1933) of Carolyn C. Dykema and others relative to the safe disposal of syringes, injection devices and other medical sharps; the petition (accompanied by bill, House, No. 1935) of Carolyn C. Dykema and others relative to the electronic prescribing of opiates and other controlled substances; the petition (accompanied by bill, House, No. 1936) of Lori A. Ehrlich and Theodore C. Speliotis for legislation to include certain excavation and processing of earth products for construction purposes in the noisome prohibition public health law; the petition (accompanied by bill, House, No. 1937) of Tricia Farley-Bouvier and others relative to the safe collection and disposal of prescription drugs; the petition (accompanied by bill, House, No. 1940) of Robert F. Fennell and others for legislation to establish a reporting system for drug overdoses;

the petition (accompanied by bill, House, No. 1942) of Kimberly N. Ferguson relative to protecting personal information in the issuance of copies of birth certificates; the petition (accompanied by bill, House, No. 1943) of Michael J. Finn for legislation to study the use of harm reduction as a strategy for reducing cigarette smoking; the petition (accompanied by bill, House, No. 1945) of Gloria L. Fox, Chris Walsh and Sonia Chang-Diaz that the Department of Public Health be directed to establish a biological agents registry program and a high containment biological research laboratory health and safety program; the petition (accompanied by bill, House, No. 1948) of Gloria L. Fox that the Department of Public Health be directed to implement a program for health literacy in healthcare facilities, pharmacies and health centers; the petition (accompanied by bill, House, No. 1949) of Paul K. Frost for legislation to require restaurants to identify for customers the presence and origin of food allergens contained in the list of products offered by such restaurants; the petition (accompanied by bill, House, No. 1950) of Paul K. Frost, Jonathan D. Zlotnik and Kimberly N. Ferguson for legislation to prohibit local boards of health from banning the sale of consumer products sold legally in the Commonwealth; the petition (accompanied by bill, House, No. 1951) of Paul K. Frost, Kimberly N. Ferguson and Jonathan D. Zlotnik for legislation to prohibit local boards of health from banning the sale of tobacco products sold legally in the Commonwealth; the petition (accompanied by bill, House, No. 1952) of Steven B. Drobni relative to the substitution of generic drugs; the petition (accompanied by bill, House, No. 1955) of Sean Garballey and others relative to oral health examinations for public school students; the petition (accompanied by bill, House, No. 1957) of Cathy Zolner that medical facilities be responsible for collecting sharps at their locations at no additional cost to the general public; the petition (accompanied by bill, House, No. 1964) of Colleen M. Garry relative to testing persons convicted of sexual assault for the HIV virus; the petition (accompanied by bill, House, No. 1966) of Colleen M. Garry relative to requiring certain restaurants to have designated diaper-changing areas; the petition (accompanied by bill, House, No. 1967) of Colleen M. Garry and John V. Fernandes for legislation to require the screening of newborns for Krabbe Disease and other lysosomal storage disorders; the petition (accompanied by bill, House, No. 1968) of Colleen M. Garry, Barbara L'Italien and Benjamin Swan for an investigation by a special commission (including members of the General Court) relative to ovarian cancer prevention, screening, education and support programs; the petition (accompanied by bill, House, No. 1969) of Thomas A. Golden, Jr., and others relative to the dispensing of controlled substances by emergency room physicians; the petition (accompanied by bill, House, No. 1972) of Thomas A. Golden, Jr., and David M. Nangle for legislation to adopt administrative simplification for hospital pharmacists; the petition (accompanied by bill, House, No. 1978) of Steven S. Howitt and Leonard Mirra relative to exempting barber shops from certain system sewage flow

design criteria; the petition (accompanied by bill, House, No. 1980) of Daniel J. Hunt and James M. Murphy for legislation to establish a vision care registry; the petition (accompanied by bill, House, No. 1981) of Daniel J. Hunt for legislation to establish school-located influenza vaccination programs; the petition (accompanied by bill, House, No. 1984) of Louis L. Kafka, John H. Rogers and Thomas P. Kennedy relative to cemetery and crematory inspections and penalties; the petition (accompanied by bill, House, No. 1987) of Louis L. Kafka and Walter F. Timilty relative to medical equipment suppliers; the petition (accompanied by bill, House, No. 1990) of Louis L. Kafka for legislation to provide for the autonomy of hospital medical staffs; the petition (accompanied by bill, House, No. 2004) of Peter V. Kocot and John W. Scibak relative to biomass facilities and solid waste combustion; the petition (accompanied by bill, House, No. 2008) of David Paul Linsky relative to registered nurse first assistants; the petition (accompanied by bill, House, No. 2011) of Ron Goldman relative to informed consent for circumcisions; the petition (accompanied by bill, House, No. 2014) of Paul W. Mark for legislation to direct the Emergency Medical Services Advisory Board to study the feasibility of updating the law regarding “Do Not Resuscitate” orders; the petition (accompanied by bill, House, No. 2018) of Paul W. Mark relative to requiring that health care facilities, ambulatory surgical centers and outpatient facilities bill all public and private payers for services using their assigned national provider identification number; the petition (accompanied by bill, House, No. 2019) of Paul W. Mark and others for legislation relative to infectious disease control.; the petition (accompanied by bill, House, No. 2020) of Paul W. Mark for legislation to create public education zones near nuclear facilities; the petition (accompanied by bill, House, No. 2023) of James M. Murphy for legislation to prohibit the sale of “energy drinks”, so-called, to persons eighteen years old or younger; the petition (accompanied by bill, House, No. 2024) of David M. Nangle and Benjamin Swan relative to eliminating emergency room overcrowding and diversions; the petition (accompanied by bill, House, No. 2026) of Harold P. Naughton, Jr., and Carmine L. Gentile relative to patient notification prior to the destruction of medical records; the petition (accompanied by bill, House, No. 2027) of Harold P. Naughton, Jr., relative to the fees for records of hospital patients; the petition (accompanied by bill, House, No. 2030) of Sarah K. Peake, Ann-Margaret Ferrante and others for legislation to authorize the Department of Public Health to enhance radiological air monitoring through an additional assessment to certain power plants; the petition (accompanied by bill, House, No. 2034) of Elizabeth A. Poirier relative to preserving dates of birth from city and town records; the petition (accompanied by bill, House, No. 2036) of Elizabeth A. Poirier relative to access to birth records of certain persons born out of wedlock; the petition (accompanied by bill, House, No. 2037) of Elizabeth A. Poirier relative to the use of human skin cells in certain scientific research; the petition (accompanied by bill,

House, No. 2038) of Elizabeth A. Poirier, Mathew Muratore and Chris Walsh for legislation to establish an interscholastic athletic head injury safety training program within the Department of Public Health; the petition (accompanied by bill, House, No. 2039) of Elizabeth A. Poirier, John H. Rogers and others for legislation to further define health clinics; the petition (accompanied by bill, House, No. 2040) of Denise Provost and others relative to the reporting on health effects of particulate matter; the joint petition (accompanied by bill, House, No. 2043) of David M. Rogers, Patricia D. Jehlen and others for legislation to establish a division of indoor environments within the Department of Public Health; the petition (accompanied by bill, House, No. 2052) of Tom Sannicandro and Marjorie C. Decker for legislation to ban the sale of cigars in packages of less than five; the petition (accompanied by bill, House, No. 2054) of John W. Scibak and Jeffrey N. Roy relative to requiring the disclosure of provider financial incentives in the dispensing of prescription drugs; the petition (accompanied by bill, House, No. 2055) of John W. Scibak relative to prohibiting the use of all latex gloves and products by persons who handle food; the petition (accompanied by bill, House, No. 2056) of John W. Scibak and Benjamin Swan that the Board of Registration in Pharmacy be authorized to provide for the establishment and operation of a cancer drug repository program; the petition (accompanied by bill, House, No. 2059) of John W. Scibak and James B. Eldridge for legislation to establish a statewide discount program for pharmaceuticals; the petition (accompanied by bill, House, No. 2060) of John W. Scibak and others relative to the dispensing of controlled substances; the petition (accompanied by bill, House, No. 2064) of Frank I. Smizik and others for legislation to require health care coverage for the medically necessary treatment for disease, illness, injury or bodily dysfunction required by a student's individual educational program; the petition (accompanied by bill, House, No. 2065) of Frank I. Smizik and others for legislation to protect caregivers and patients approved by physicians and certified by the Department of Public Health to access medical marijuana; the joint petition (accompanied by bill, House, No. 2066) of Frank I. Smizik, Michael J. Barrett and others relative to prohibiting the dispensing of food in disposable food service containers made from polystyrene or from expanded polystyrene; the petition (accompanied by bill, House, No. 2074) of Walter F. Timilty and others relative to the rights of patients to certain bulk medications upon discharge from medical facilities; the petition (accompanied by bill, House, No. 2075) of Timothy J. Toomey, Jr., for legislation to establish a program of community based health and sexuality education services within the Department of Public Health.; the petition (accompanied by bill, House, No. 2076) of Aaron Vega and Jose F. Tosado relative to access to cannabis medicine; the petition (accompanied by bill, House, No. 2077) of John C. Velis relative to the Massachusetts Online Prescription Monitoring Program; the petition (accompanied by bill, House, No. 2078) of RoseLee Vincent for

legislation to require pharmacists to inform purchasers of drugs of the availability of over-the-counter interchangeable drug products; the petition (accompanied by bill, House, No. 2082) of Chris Walsh and others relative to promoting access to accurate medical information; the petition (accompanied by bill, House, No. 2083) of Chris Walsh and others for legislation to limit the prescription of controlled substances to an amount necessary for seventy-two hours of medically legitimate treatment; the petition (accompanied by bill, House, No. 3270) of Nicholas A. Boldyga and others for legislation to authorize terminally ill patients to consent to treatment by investigational drugs, biological products or devices; the petition (accompanied by bill, House, No. 3272) of Bill Trabucco and Nick Collins relative to the co-internment of humans and their pets; the petition (accompanied by bill, House, No. 3273) of Bill Trabucco and Nick Collins for legislation to require that persons providing cremation services for non-human animal remains be registered with the Department of Public Health; the petition (accompanied by bill, House, No. 3274) of Peter J. Durant, Brian M. Ashe and Shaunna L. O'Connell relative to repairs made to medical devices; the petition (accompanied by bill, House, No. 3275) of Paul McMurtry and others relative to anonymously made complaints alleging violations of the laws or regulations related to public health; the petition (accompanied by bill, House, No. 3467) of Nick Collins, Brian M. Ashe and Michael O. Moore for legislation to further protect certain public safety and health workers from diseases; the petition (accompanied by bill, House, No. 3469) of Jonathan Hecht and others relative to toxins contained in the vapor produced by e-cigarettes; the petition (accompanied by bill, House, No. 3470) of Daniel J. Hunt relative to patient cost share disclosure and transparency; the petition (accompanied by bill, House, No. 3473) of Brian R. Mannel for legislation to require the consent of the next of kin prior to the release of a videotape, audiotape or photograph of a person's death to the public; the petition (accompanied by bill, House, No. 3732) of Chris Walsh and Shawn Dooley relative to the release of vital records by municipal officials; the petition (accompanied by bill, House, No. 3736) of Stephen L. DiNatale relative to the inspections of exercise equipment in health clubs; the petition (accompanied by bill, House, No. 3746) of Elizabeth A. Poirier and others relative to establishing a special commission (including members of the General Court) to make an investigation and study concerning pancreatic cancer; the petition (accompanied by bill, House, No. 3790) of Josh S. Cutler and others relative to the privacy of death certificates, reports recommending that the accompanying order (House, No. 4242) ought to be adopted.

For the committee,

KATE HOGAN.

The Commonwealth of Massachusetts

May 2, 2016.



1           *Ordered*, That the committee on Public Health be authorized to sit during a recess of the  
2 General Court to make an investigation and study of House documents numbered 1880, 1882,  
3 1887, 1890, 1891, 1892, 1893, 1897, 1898, 1899, 1900, 1901, 1903, 1906, 1908, 1909, 1911,  
4 1913, 1916, 1920, 1922, 1925, 1927, 1928, 1929, 1931, 1933, 1935, 1936, 1937, 1940, 1942,  
5 1943, 1945, 1948, 1949, 1950, 1951, 1952, 1955, 1957, 1964, 1966, 1967, 1968, 1969, 1972,  
6 1978, 1980, 1981, 1984, 1987, 1990, 2004, 2008, 2011, 2014, 2018, 2019, 2020, 2023, 2024,  
7 2026, 2027, 2030, 2034, 2036, 2037, 2038, 2039, 2040, 2043, 2052, 2054, 2055, 2056, 2059,  
8 2060, 2064, 2065, 2066, 2074, 2075, 2076, 2077, 2078, 2082, 2083, 3270, 3272, 3273, 3274,  
9 3275, 3467, 3469, 3470, 3473, 3732, 3736, 3746 and 3790, relative to public health matters.

10           Said committee shall report to the General Court the results of its investigation and study  
11 and its recommendations, if any, together with drafts of legislation necessary to carry such  
12 recommendations into effect, by filing the same with the Clerk of the House of Representatives  
13 on or before December 31, 2016.