

Legislative History Project

To: Professor Kealy
From: Deanna Edwards
Date: May 10, 2013
Re: Chapter 244 of the Acts of 2012, An Act Relative to Prescription Drug Diversion, Abuse, and Addiction

Chapter 244 was designed to crack down on prescription drug abuse and implement a better monitoring system for prescription dispensing. The bill requires doctors who prescribe controlled substances to participate in the state's prescription monitoring program. Previously, participation was voluntary. Doctors will be automatically enrolled when they renew their medical licenses. Under the bill, doctors will be required to check the prescription monitoring database before prescribing controlled substances to new patients. Doctors will be required to use secure prescription pads to write prescriptions for controlled substances, a requirement already in place for Medicare and Medicaid patients. Pharmacies and drug manufacturers will have to report drug thefts to the police and the Drug Enforcement Agency. Pharmacies will be required to sell lockboxes, but the requirements are loosened so that they only have to advertise them near registers. The bill also bans the designer drug "bath salts." The bill directs the Department of Public Health to provide information to patients about certain classes of drugs. Finally, the bill provides for a working group of doctors to issue best practices for prescribing controlled substances.

This bill is similar to a bill that was reported out of the Joint Committee on Mental Health and Substance Abuse in November 2011. The bill combines a number of other bills into one larger version. After coming out the Mental Health and Substance Abuse Committee, it was referred to the Joint Committee on Health Care Financing, which amended it and substituted a new draft. The bill then went to the Senate Committee on Ways and Means, where it was again

amended and replaced with a new draft. Then, the bill was debated by the Senate, and a number of amendments were made. On February 2, 2012, the Senate passed the bill by a vote of 36-0. The bill was sent to the House, where the House Committee on Ways and Means substituted a House version of the bill. On July 31, 2012, the House debated the bill and made two amendments before passing it. The Senate consented to the House version but made one amendment, and the House consented with the additional amendment. On August 8, 2012, the bill was enacted, and on August 18, 2012, the Governor signed the bill.

To gather these materials, I started by looking online at the Massachusetts Legislature's website, where I found the final version of the bill, prior versions of the bill (and prior bills that were combined into this bill), chronological history, and some of the amendments that were offered. The Legislature's website also provided biographies for the legislators who worked on the bill. Additionally, I accessed the Senate and House Journals from the Legislature's website. I used State House News Service to search for news articles about the bill, and I searched Boston area news websites for additional articles. I went to the State Library at the State House, and the librarian helped me search InstaTrack, which is their legislative history service. I was able to locate more versions of the bill, vote summaries, statements from legislators, and more news articles. I contacted Sen. John Keenan's office, because he was the main proponent of the bill. I set up an appointment with the Senator's legislative aide, Alejandro Alves, to review their office's files. Mr. Alves provided me with a PowerPoint presentation from a hearing on an older version of the bill from November 2011. He also provided me with a bill text that I was unable to locate online, and he informed me of an additional bill that was combined into the final bill, but was not listed online.

I did not have difficulty obtaining the materials for this bill because the majority of the materials were available online or through the State Library. Since this bill was an updated version of an older bill, which was a combination of a group of bills, there were no testimony or hearings on this version of the bill. However, I included information about the text and history of the older versions of the bill and the bills that were combined into this bill.

Although I located the amendments considered by the House, I was not able to obtain a separate list of amendments from the Senate. The Senate amendments, the proposed text, and the outcome of each vote are included in the Senate journals, however, so I used the journals to create a new document listing the amendments so they are easier to find.