



COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

Senator Stan Rosenberg, President Pro Tem
Hampshire and Franklin District
Room 320
617.722.1532
Fax: 617.722.1062

District Office
1 Prince St.
Northampton, MA 01060
413.584.1649
Fax: 413.582.0113

Stan.Rosenberg@state.ma.us

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Senate Takes Vote on Legislation to Combat Prescription Drug Abuse

BOSTON – With the abuse of prescription pain killers having reached epidemic levels in Massachusetts, the Senate on Thursday unanimously passed legislation for strict oversight of the drugs. The bill will reduce the excess supply of pills and require physician registration in the state’s Prescription Monitoring Program to prevent patients from “doctor shopping” for highly addictive medications such as OxyContin and Vicodin.

“When drugs like these are responsible for more accidental deaths in Massachusetts than motor vehicle accidents, you know we’ve got a problem,” Senate President Therese Murray (D-Plymouth) said. “I said at the beginning of this legislative session this would be a top priority. The abuse of these drugs has devastating effects on individuals and families of every socio-economic background. The costs are high, both to families and the economy, not to mention the significant impact on public safety. This bill will help save lives and keep us all safer.”

“This bill recognizes the quiet epidemic that has struck families all across this Commonwealth, and with practical, cost-effective measures steps up our fight against one of the main causes of the epidemic – prescription painkillers,” said Senator John F. Keenan (D-Quincy) lead sponsor of the bill.

A report released by the OxyContin and Heroin Commission in 2009 found that Massachusetts has one of the highest rates of opiate abuse in the nation, causing 3,265 deaths from 2002 to 2007 and 23,369 hospitalizations in 2006 alone.

The Drug Enforcement Agency reports that Vicodin is the second-most abused drug by high school seniors, behind marijuana, and opiate addiction is the leading cause of property crime. Meanwhile, taxpayers are spending hundreds-of-millions of dollars

annually in costs associated with the epidemic – including hospital visits, court appearances, jail time and social services.

The bill increases prescription drug security by making enrollment in the state's Prescription Monitoring Program mandatory. The top 30 percent of prescribers, who provide 90 percent of all controlled substances, are required to enroll immediately. All others would be phased-in over three years. Currently, participation in the program is voluntary, with only 1,700 out of 40,000 prescribers signed up.

To promote awareness, the Department of Public Health will be required to produce informational pamphlets explaining addiction risks, signs of dependency, where to go for treatment, and ways to safely store and discard drugs. The pamphlets will be distributed by pharmacies with each prescription filled.

Pharmacies, drug manufacturers and other relevant parties will also be required to alert local police when reporting missing controlled substances to the Drug Enforcement Administration. Under the bill, doctors and hospitals will be required to notify a parent or guardian of any minor treated for drug overdose. Information on substance abuse treatment options must also be provided, and a social worker will be available for counseling prior to hospital discharge.

The legislation also requires all prescriptions for controlled substances to be written on "secure" forms, using special watermarks, serial numbers or micro-printing to be determined by the Department of Public Health. The bill also forms a working group of practitioners to draft "best practices" for prescriptions that treat acute and chronic pain.

The bill also does the following:

- Bans the possession, distribution and manufacturing of synthetic over-the-counter recreational drugs known as "bath salts" which are smoked, inhaled or injected and linked to serious physical and mental problems;
- Prohibits pharmacists from filling certain narcotic prescriptions from doctors in non-contiguous states;
- Restricts MassHealth enrollees with a history of excessive use to one pharmacy;
- Provides limited immunity from drug possession charges for those who seek medical assistance for an overdose, but does not extend to drug trafficking cases;
- Allows sheriffs to enter into a study on the effectiveness of medication-assisted treatment for the successful transition of inmates back into society;
- Commissions a study on substance abuse among seniors; and
- Mandates professional training for court personnel and legal counsel on substance abuse services available for those facing criminal charges.

According to Centers for Disease Control, more people are overdosing on prescription pain killers (approximately 12,000 nationally in 2007) than on cocaine and heroin combined, with the number of people needing emergency treatment for overdoses having tripled in the last decade. Of the nearly 2 million emergency room visits nationally in 2009, almost half involved prescription drug abuse.

For an explanation of drug classifications, known as schedules, under the U.S. Controlled Substances Act, please see this website:

<http://nationalsubstanceabuseindex.org/drugclass.htm>.

The bill now goes to the House of Representatives for further action.

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