SENATE DOCKET, NO. 44 FILED ON: 1/10/2013

SENATE . . . . . No. 986

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 passage of the accompanying:

An Act to protect patients from breakthrough seizures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	*Second Suffolk and Middlesex*
Jason M. Lewis	*31st Middlesex*

SENATE DOCKET, NO. 44 FILED ON: 1/10/2013

SENATE . . . . . No. 986

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 986) of William N. Brownsberger and Jason M. Lewis for legislation to protect patients from breakthrough seizures. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *4248* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act to protect patients from breakthrough seizures.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1of Chapter 94C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the definition of "agent," the following:—

"Anti-epileptic drug", (1) any drug prescribed for the treatment of epilepsy or (2) a drug used to treat or prevent seizures

SECTION 2. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby further amended by inserting after the definition of "drug paraphernalia," the following:—

"Epilepsy", a neurological condition characterized by recurrent seizures.

SECTION 3. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby further amended by inserting after the definition of "immediate precursor," the following:—

"Interchange" means the substitution of one version of the same anti-epileptic therapeutic product, including a generic version for the prescribed brand, a brand version for the prescribed generic version, a generic version by one manufacturer for a generic version by different manufacturer, a different formulation of the prescribed anti-epileptic drug or a different anti-epileptic therapeutic drug product for the anti-epileptic product originally prescribed

15 SECTION 4. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby
16 further amended by inserting after the definition of "schedule," the following:—

17 "Seizure", an acute clinical change secondary to a brief disturbance in the electrical
18 activity of the brain.

19 SECTION 2. Section 21A of chapter 94C of the General Laws, as so appearing, is
20 hereby amended by inserting, at the end of the first paragraph, the following new paragraph:

21 A pharmacist may not interchange an anti-epileptic drug or formulation of an anti-
22 epileptic drug, brand or generic, for the treatment of epileptic seizures without prior notification
23 of and the signed informed consent of such interchange from the prescribing physician and the
24 patient, patient's parent, legal guardian or spouse.