

SENATE NO. 1208

AN ACT REGULATING THE MEDICAL TREATMENT OF CHRONIC INTRACTABLE PAIN

*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 2004 Official
2 Edition, is hereby amended by adding the following definitions after the words “or its successor
3 agency” in line 17:

4 “Chronic intractable pain”, a pain state which has been present on a daily basis for six consecutive
5 months or more and in which the cause of pain cannot be removed or otherwise treated and for
6 which, in the generally accepted course of medical practice, no relief or cure of the cause of the
7 pain has been found after reasonable efforts, including but not limited to evaluation by one or more
8 physicians.

9 “Chronic intractable pain patient”, a patient who has been determined by a physician to suffer from
10 chronic intractable pain.

11 SECTION 2. Section 9 of said chapter 94C is hereby amended by inserting after section 9(e) the
12 following sections:

13 Section 9 ½. (a) Notwithstanding the provisions of section 9, a physician licensed to
14 practice medicine may prescribe or administer controlled substances to relief to a person in the

15 course of the physician's treatment of that person for a diagnosed condition causing chronic
16 intractable pain. A physician shall not be subject to prosecution or to disciplinary action by any
17 state or federal agency for prescribing or administering controlled substances in the course of
18 treatment of a chronic intractable pain patient. This section shall not apply to:

19 (1) a physician's treatment of a patient for chronic dependency resulting from the misuse of
20 controlled substances used for non-therapeutic purposes, or who is diverting the
21 substances for personal profit, as required by federal law;

22 (2) a physician who prescribes controlled substances without a legitimate purpose;

23 (3) a physician who falsifies a prescription or diagnostic information.

24 (b) Any person who knowingly attempts to intimidate or falsely prosecute a physician engaged in
25 the legitimate treatment of chronic intractable pain shall be guilty of a felony and subject to a fine
26 of no less than \$50,000 and a term of no less than five years in the house of correction for each
27 offense.