

SENATE NO. 1296

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:*

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 at the end thereof, the following:-

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

5 “Epilepsy”, a neurological condition characterized by recurrent seizures.

6 “Seizure”, an acute clinical change secondary to a brief disturbance in the electrical activity
7 of the brain.

8 “Interchange” means the substitution of one version of the same anti-epileptic therapeutic
9 product, including a generic version for the prescribed brand, a brand version for the prescribed
10 generic version, a generic version by one manufacturer for a generic version by different
11 manufacturer, a different formulation of the prescribed anti-epileptic drug or a different anti-
12 epileptic therapeutic drug product for the anti-epileptic product originally prescribed

13 SECTION 2. Section 21A of Chapter 94C of the General Laws, as appearing in the 2004 Official
14 Edition, is hereby amended by inserting, at the end of the first paragraph, the following new
15 paragraph:-

16 A pharmacist may not interchange an anti-epileptic drug or formulation of an anti-epileptic
17 drug, brand or generic, for the treatment of seizures (epilepsy) without prior notification of and the
18 signed informed consent of such interchange from the prescribing physician and patient, or patient's
19 parent, legal guardian or spouse of such person.