

HOUSE No. 7402

The Commonwealth of Massachusetts



DONALD R. DWIGHT
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT
STATE HOUSE, BOSTON 02133
August 28, 1973

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Article LVI of the Amendments to the Constitution, I am returning, herewith, House Bill No. 6885 entitled "AN ACT RELATIVE TO THE LAW PROVIDING FOR THE REGULATION OF DRUGS AND CONTROLLED SUBSTANCES."

This legislation, which makes a number of changes in the Controlled Substances Act is based upon recommendations made by the Department of Public Health. One of the provisions of G.L. c.94C which the Department's experience has indicated should be modified is that governing the possession of hypodermic syringes or needles with intent to sell.

In its present form, this legislation would revise G.L. c.94C s.27(e) to provide that no person, except a "registered physician, dentist, podiatrist, veterinarian, nurse, embalmer, pharmacist, or wholesale druggist" may sell, offer for sale, deliver, or have in possession with intent to sell hypodermic syringes or needles, unless licensed to do so by the Department.

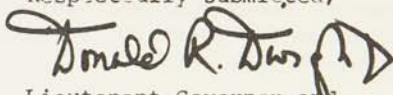
I believe that G.L. c.94C s. 27(e), as it would be amended by this bill, would be unnecessarily broad in scope and could prove to be an obstacle to law enforcement personnel. As a result, officials of the Department of Public Health have agreed that it would be better to further restrict the categories of individuals authorized to possess such instruments for sale.

I therefore recommend that the bill be amended as follows:-

By striking out SECTION 17 of the engrossed bill and inserting in place thereof the following section:-

SECTION 17. Subsection (e) of said section 27 of said chapter 94C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No person except a manufacturer of or dealer in surgical supplies, a manufacturer of or dealer in embalming supplies, a pharmacist or wholesale druggist, which pharmacist or wholesale druggist is licensed under the provisions of chapter one hundred and twelve, shall sell, offer for sale, deliver, or have in possession with intent to sell hypodermic syringes, hypodermic needles or any instrument adapted for the administration of controlled substances by injection, unless licensed so to do by the department.

Respectfully submitted,



Lieutenant Governor and
Acting Governor
Commonwealth of Massachusetts