
Chapter 131. AN ACT AUTHORIZING THE DEPARTMENT OF HIGHWAYS AND THE CITY OF WESTFIELD TO DIVERT THE USE OF CERTAIN PARCELS OF LAND IN THE CITY OF WESTFIELD.

Be it enacted, etc., as follows:

The department of highways and the city of Westfield may change the use of certain parcels of land in said city. The parcels are owned by said city and are designated and used for park purposes but may be used for highway purposes in connection with the Great River Bridge Project in the city of Westfield.

The parcels are shown on a plan entitled, "The Commonwealth of Massachusetts Plan of Land in the City of Westfield Hampden County Transfer of Land for Park Purposes to the City of Westfield by the Department of Highway scale: 40 feet to the inch." This plan shall be kept on file with the chief engineer of the department of highways.

Approved November 26, 2003.

Chapter 132. AN ACT RELATIVE TO THE DUTIES OF THE CLERK AND ASSISTANT CLERKS OF THE SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY.

Be it enacted, etc., as follows:

Chapter 221 of the General Laws is hereby amended by striking out section 15, as appearing in the 2002 Official Edition and inserting in place thereof the following section:-

Section 15. The clerk of the supreme judicial court for Suffolk county shall attend all sessions of the court, except when sitting as a full court; shall record the proceedings and shall preserve all the files and papers thereof, including electronic filings; shall keep an electronic or paper docket record of all complaints, petitions, including petitions for admission to the bar, or other processes presented to the court. The clerk shall maintain care and custody of all court forms, all electronic and paper dockets, all electronic and paper information, including but not limited to notes, data, audit trails, statuses, and statistics, all electronic and paper reports of every nature and description, and all records, books and papers, both in electronic and paper format, which are filed or deposited in the county clerk's office. The clerk shall make copies of all papers on file in the court and of the docket record thereof, if desired, and certify them under the seal of the court, shall issue such writs or other processes as the court orders, shall charge the fees provided by law for like services for clerks of courts, and if no express fee is provided, the clerk shall receive a fair compensation for the services required in analogy to like services for which a compensation is fixed by law. Each assistant clerk shall under the direction of the clerk perform any of the above duties of the clerk and shall pay over to the clerk all fees and amounts received as such assistant. When the assistant clerk is so acting his attestation as assistant clerk shall be sufficient without further

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designation. The clerk of the supreme judicial court for Suffolk county shall have responsibility for the internal administration of the clerk's office, including personnel, staff services and record keeping.

Approved November 26, 2003.

Chapter 133. AN ACT FACILITATING ELECTRONIC TRANSACTIONS.

Be it enacted, etc., as follows:

SECTION 1. The fifth paragraph of section 187 of chapter 94 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the definition of "Written prescription" and inserting in place thereof the following definition:-

"Written prescription", that prescription which has been issued by a physician, dentist or veterinarian either on paper or electronically, and bears the handwritten or electronic signature and address of the prescriber, the date of the prescription, the name and amount of the drug prescribed, the name of the patient, directions for use, the number of times to be refilled, and any cautionary statements needed.

SECTION 2. Section 23 of chapter 94C of the General Laws, as so appearing, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) Unless otherwise prohibited by law, a prescription shall be: (1) written in ink, indelible pencil or by other means; or (2) transmitted electronically; and (3) signed by the prescriber. A prescription may be transmitted electronically with the electronic signature and electronic instructions of the prescriber, and shall be transmitted directly from the prescriber to the pharmacy designated by the patient without alteration of the prescription information, except that third-party intermediaries may act as conduits to route the prescription from the prescriber to the pharmacy.

SECTION 3. The General Laws are hereby amended by inserting after chapter 110F the following chapter:-

CHAPTER 110G.

UNIFORM ELECTRONIC TRANSACTIONS.

Section 1. This chapter maybe cited as "The Uniform Electronic Transactions Act".

Section 2. In this chapter, the following words shall have the following meanings:-

"Agreement", the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

"Automated transaction", a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract, or fulfilling an obligation required by the transaction.