HOUSE DOCKET, NO. 1060 FILED ON: 1/16/2013

HOUSE . . . . . No. 1052

The Commonwealth of Massachusetts

PRESENTED BY:

Tom Sannicandro

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 relative to prescription drugs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Tom Sannicandro	*7th Middlesex*

HOUSE DOCKET, NO. 1060 FILED ON: 1/16/2013

HOUSE . . . . . No. 1052

By Mr. Sannicandro of Ashland, a petition (accompanied by bill, House, No. 1052) of Tom Sannicandro relative to the purchase of prescription drugs from Canada. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *342* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to prescription drugs.

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. The governor or his designee is hereby directed to request the United States Department of Health and Human Services to provide a waiver to the office of pharmaceutical information to act as an agent for residents of the commonwealth in providing information regarding the purchase of prescription drugs from the commonwealth and Canadian sources, as provided in Sections 2 and 3. Once said waiver is provided, said Sections 2 and 3 shall apply.

SECTION 2. Subject to appropriation, there shall be in the department of public health the office of pharmaceutical information for the purpose of providing information to residents of the commonwealth regarding the purchase of prescription drugs including from Canadian sources, if licensed as provided in Section 1. Notwithstanding any general or special law to the contrary, the office of pharmaceutical information shall act as a central agency through which residents of the commonwealth may obtain information on procuring prescription drugs at reduced prices.

SECTION 3. (a) The office, in providing advice on purchasing prescription drugs from Canada, shall establish relationships only with Canadian suppliers that are licensed by appropriate Canadian agencies. The office shall maintain a registry providing the name, place of business, phone number, fax number, or email address of: the establishment, the manufacturers of the drugs the establishments distribute and of any of the establishment's agents in the United States. The office shall periodically update this information on the establishments.

19 (b) The office shall provide advice only on prescription drugs that have been approved by
20 appropriate federal agencies in Canada as to the drugs' formulation, source and specification of
21 active ingredients, processing methods, manufacturing controls, container/closure/packaging
22 system, appearance, storage, shipping and handling practices; and the office shall advise only on
23 prescription drugs that are packaged and shipped using tamper-proof containers and are certified
24 by the importer as meeting all the requirements of the bill.

25 (c) In order to ensure the safety of prescription drugs procured from licensed Canadian
26 pharmacies, the office will only work with consumers in the commonwealth who are purchasing
27 prescriptions that:

28 i. are for personal use only

29 ii. will not be used for resale

30 iii. are for a quantity limited to 90 days or less

31 iv. accompanied by a copy of a valid prescription

32 (d) The office may conduct, or contract with an entity to conduct, a study of prescription
33 drug imports permitted pursuant to this bill. The study shall include, but not be limited to,
34 evaluation of the importers' compliance with state and federal laws, including Canadian laws.

35 (e) The office shall serve as a central agent to which any safety concerns or adverse
36 events occur regarding the process of procuring medications from Canada may be reported by
37 Massachusetts consumers and health care professionals. If any safety concerns or adverse events
38 occur with respect to the process of importing prescriptions from Canada, such as if a particular
39 distributor is found to no longer meet the required safety standards, a safety report of the
40 problem shall be filed and a record kept in the office. Consumers and health care providers in
41 the database will be notified of any such safety reports by the office.

42 (f) The office of pharmaceutical information may promulgate a consent agreement
43 explaining the potential risks and injuries associated with obtaining services, materials, or
44 information from the office and disclaiming liability for those risks and injuries. The office may
45 require any resident of the commonwealth to sign the consent agreement before receiving
46 services, information or materials from the office. The office shall keep any signed consent
47 agreement on file.

48 (g) The office of pharmaceutical information may develop an indemnification agreement
49 designed to indemnify the office for any injury or damage that results from a resident's use of a
50 supplier's product, and hold harmless any pharmacists who rely upon the information contained
51 in the website to advise consumers. The office may require any supplier listed with the office to
52 sign the indemnity agreement before its products are listed with the office. The office shall keep

53 any signed indemnification agreement on file. The provisions of chapter 258 of the General
54 Laws shall apply to this Act.

55 (h) the department of public health is authorized to promulgate regulations to implement
56 this Act, including but not limited to, the process by which the office of pharmaceutical
57 information may determine which pharmacies would be included on the informational website;
58 the certification process, if any, that Massachusetts pharmacists would participate in prior to
59 advising patients seeking assistance; and any other rules and regulations necessary for
60 implementation of this Act.