

HOUSE No. 1098

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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:

1 SECTION 1. The governor or his designee is hereby directed to request the United States
2 Department of Health and Human Services to provide a waiver to the office of pharmaceutical
3 information to act as an agent for residents of the commonwealth in providing information
4 regarding the purchase of prescription drugs from the commonwealth and Canadian sources, as
5 provided in Sections 2 and 3. Once said waiver is provided, said Sections 2 and 3 shall apply.

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

13 SECTION 3. (a) The office, in providing advice on purchasing prescription drugs from
14 Canada, shall establish relationships only with Canadian suppliers that are licensed by

15 appropriate Canadian agencies. The office shall maintain a registry providing the name, place of
16 business, phone number, fax number, or email address of: the establishment, the manufacturers
17 of the drugs the establishments distribute and of any of the establishment's agents in the United
18 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 onlyii. will not be used for resaleiii. are for a
29 quantity limited to 90 days or lessiv. accompanied by a copy of a valid prescription

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

33 (e) The office shall serve as a central agent to which any safety concerns or adverse
34 events occur regarding the process of procuring medications from Canada may be reported by
35 Massachusetts consumers and health care professionals. If any safety concerns or adverse events
36 occur with respect to the process of importing prescriptions from Canada, such as if a particular

37 distributor is found to no longer meet the required safety standards, a safety report of the
38 problem shall be filed and a record kept in the office. Consumers and health care providers in
39 the database will be notified of any such safety reports by the office.

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

46 (g) The office of pharmaceutical information may develop an indemnification agreement
47 designed to indemnify the office for any injury or damage that results from a resident's use of a
48 supplier's product, and hold harmless any pharmacists who rely upon the information contained
49 in the website to advise consumers. The office may require any supplier listed with the office to
50 sign the indemnity agreement before its products are listed with the office. The office shall keep
51 any signed indemnification agreement on file. The provisions of chapter 258 of the General
52 Laws shall apply to this Act.

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