SENATE DOCKET, NO. 907 FILED ON: 1/20/2011

SENATE . . . . . No. 1157

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 adoption of the accompanying bill:

An Act relative to home generated sharps management.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Marc R. Pacheco	
Carolyn C. Dykema	*8th Middlesex*

SENATE DOCKET, NO. 907 FILED ON: 1/20/2011

SENATE . . . . . No. 1157

By Mr. Pacheco, petition (accompanied by bill, Senate, No. 1157) of Dykema and Pacheco for legislation relative to home generated sharps management [Joint Committee on Public Health].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to home generated sharps management.

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. Chapter 94C of the General Laws is hereby amended by inserting after Section 27A, the following new section:--

Section 27B. A pharmaceutical manufacturer that sells or distributes a medication in Massachusetts that is usually intended to be self-injected at home through the use of a hypodermic needle, pen needle, intravenous needle, or any other similar device, shall, on or before July 1, 2012, and annually thereafter, submit to the Department of Public Health, a plan that describes specific actions the manufacturer has taken to support the safe collection and proper disposal of the waste devices.

The plan required pursuant to this Act shall be submitted in an electronic format prescribed by the department and shall identify by name, all of the manufacturer's medications that are usually intended to be self-injected. The plan shall also include, at a minimum, a description of the actions taken by the manufacturer to do the following:

(a)Arrange for the provision of patient starter kits or other educational materials on safe needle disposal to new patients.

(b) Arrange for the provision, at no cost to the consumer, of safe needle disposal mail-back containers that have been approved by the United States Postal Service.

(c)Provide through literature, websites, DVDs or toll-free numbers consumer information about the safe management and proper disposal of needles.

(d) Support efforts by retailers, pharmaceutical distributors, manufacturers of injection devices, and other partners, including local governments, health care organizations, public health officers, solid waste service providers, and other groups with interest in protecting public health and safety through the safe collection and proper disposal of waste devices.

3. (a) The manufacturer shall post and maintain a copy of the plans required pursuant by this act on its Internet Web site.

(b) The Department of Public Health shall post and maintain all copies of all plans submitted by the manufacturers pursuant to this act on its Internet Web site.

4. This article does not apply to a pharmaceutical manufacturer that provides a written Notification to the Department of Public Health on or before July 1, 2012 and each year thereafter stating that it:

(a)has previously submitted a plan to an agency of a state government that documents that the manufacturer has arranged to provide at no cost to the consumer a mail-back container that has been approved by the U.S. Postal Service for each of its self-injected drugs and;

(b) is continuing to provide such mail–back services to residents of Massachusetts.