

HOUSE No. 2065

The Commonwealth of Massachusetts

PRESENTED BY:

Kathi-Anne Reinstein

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 relating to the dispensation of pharmaceuticals with an aesthetic purpose by physicians.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Kathi-Anne Reinstein

16th Suffolk

Michael D. Brady

9th Plymouth

HOUSE No. 2065

By Ms. Reinstein of Revere, a petition (accompanied by bill, House, No. 2065) of Kathi-Anne Reinstein and Michael D. Brady relative to dispensing aesthetic pharmaceuticals. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relating to the dispensation of pharmaceuticals with an aesthetic purpose by physicians.

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 9. Section 9(b) of chapter 94C, as so appearing, is hereby amended by inserting
2 after the paragraph that begins “For the purposes of this section, ‘therapeutic contact lenses’” the
3 following paragraphs:

4 Notwithstanding any other provision of law, a physician may, when acting in accordance
5 with applicable federal law and any provision of this chapter which is consistent with federal law
6 and in good faith and in the practice of medicine, dispense and sell aesthetic pharmaceuticals
7 directly to patients in amounts greater than necessary for immediate and proper treatment. Prior
8 to dispensing an aesthetic pharmaceutical to a patient, a physician must inform the patient of the
9 option to fill the prescription for the aesthetic pharmaceutical at a pharmacy, if available.
10 Physicians dispensing aesthetic pharmaceuticals must comply with all applicable state and
11 federal labeling and recordkeeping requirement. Records maintained under this section must be
12 accessible as provided under state and federal law. The department shall promulgate rules and
13 regulation governing the dispensing and sale of aesthetic pharmaceuticals pursuant to this
14 section.

15 For purposes of this section “aesthetic pharmaceutical” shall mean, (i) bimatoprost,
16 hydroquinone, metronidazole, and tretinoin, or (ii) a prescription medication that (A) is classified
17 by the department as a schedule VI controlled substance; (B) has been registered with or
18 approved by the federal Food and Drug Administration; and (C) is prescribed for the skin, the
19 treatment of certain skin conditions, or the enhancement of a patient’s appearance.