FILED ON: 9/21/2016

HOUSE . . . . . No. 4643

Substituted by the House, on motion of Mr. Kafka of Stoughton, for a bill with the same title (House, No. 1988). September 22, 2016.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the availability of prescription medication during an emergency.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 111 of the General Laws is hereby amended by adding the following section:-

Section 236. (a) The department shall, in consultation with the board of registration in pharmacy, the division of insurance, the office of Medicaid and the Massachusetts emergency management agency, develop and publicize a statewide plan for ensuring the availability of prescription medications during a state of emergency declared by the governor. The plan shall, at a minimum:

(1) allow for early refills of prescriptions, if the current amount that a patient possesses is not expected to last beyond 10 days of the date of the declaration of emergency; provided, however, that a pharmacist shall confirm such prescription with the prescriber before each refill;

(2) ensure that vehicles delivering medications to pharmacies and hospitals shall be given the same road access available to other emergency vehicles;

(3) coordinate among pharmaceutical manufacturers, wholesalers, distributors, pharmacists and other industry stakeholders;

(4) avoid duplicative or redundant supply chain infrastructure; and

(5) create a safety net system, including a toll-free telephone number and a website for persons to contact during the emergency for assistance in locating prescription medication, in the event no medications are available to them locally.

(b) If the governor declares a state of emergency pursuant to section 2A, chapter 639 of the acts of 1950, or any other applicable law, the commissioner shall implement the statewide plan for ensuring the availability of prescription medications for the duration of the state of emergency.