

SENATE No. 1165

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

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 the dispensing of certain cancer related drugs.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------------|-------------------------------------|
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> |

SENATE No. 1165

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1165) of John F. Keenan, Jennifer E. Benson, Chris Walsh and William N. Brownsberger for legislation to the dispense certain cancer related drugs. Public Health.

The Commonwealth of Massachusetts

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

An Act relative to the dispensing of certain cancer related 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: Chapter 112 of the General Laws, as amended by Chapter 143 of the Acts
2 of 2014, is hereby further amended by inserting the following new section:-

3 Section 12FF.

4 (a) The following words as used in this section shall have the following meanings:

5 “Board,” the board of registration in pharmacy.

6 “Cancer-related drug,” a controlled substance that is indicated for the treatment of cancer,
7 indicated for managing the side effects of cancer treatment or is a supportive care medication;
8 that must be administered by injection in a clinic, hospital, or physician’s office; and that cannot
9 be reasonably self-administered by a patient to whom the drug is prescribed or by an individual
10 assisting the patient with self-administration.

11 “Controlled substance,” a controlled substance as defined in section 1 of chapter 94C.

12 “Department,” the Department of Public Health.

13 “Home health agency,” a public or private organization that provides nursing and other
14 therapeutic services to individuals whose place of residence conforms to the requirements of 42
15 CFR 440.70(c), as it may be amended, or any successor provisions thereto.

16 “Hospice,” a hospice program as defined in and licensed pursuant to section 57D of
17 chapter 111.

18 “Hospice patient,” an individual in the terminal stage of illness who, alone or in
19 conjunction with a family member or members, has voluntarily requested admission and been
20 accepted into a hospice.

21 “Supportive care medication” means any controlled substance indicated for use in cancer
22 patients to manage the symptoms of cancer and side effects of cancer treatment, including,
23 without limitation, opioids, antidepressants, sedatives, hypnotics, and antiemetics.

24 (b) No person authorized by the Department or the Board to dispense controlled
25 substances in the Commonwealth shall dispense a cancer-related drug within the Commonwealth
26 directly to any of the following or cause such drug to be delivered directly to any of the
27 following:

28 (1) a patient;

29 (2) a patient’s representative, which may include the patient’s guardian or a family
30 member or friend of the patient;

31 (3) a patient’s residence, except as provided in subsection (c)

32 (c) A person described in subsection (b) may dispense a cancer-related drug by
33 delivering such drug directly to a patient's residence if:

34 (1) The patient is then residing in a nursing home, residential care facility, rehabilitation
35 facility, or other institutional health care facility;

36 (2) The patient, whether an adult or a minor, is either a hospice patient or a client of a
37 home health agency, and provided further that the health care provider prescribing the cancer-
38 related drug has notified the person dispensing the cancer-related drug that the patient is a
39 hospice patient or a client of a home health agency and that an employee or agent of the hospice
40 or home health agency will be administering the drug to the patient.

41 (d) The Department, in consultation with the Board and after receiving recommendations
42 from a workgroup established by the Department consisting of appropriate clinical and
43 pharmacist representatives, shall develop criteria for determining those cancer-related drugs that
44 cannot be safely dispensed to a patient's residence even if such dispensing would otherwise be
45 allowed under subsection (c), and shall identify such cancer-related drugs by regulation. The
46 Department shall promulgate regulations limiting the dispensing of such cancer-related drugs to
47 clinics, hospitals or physician office settings, subject, however, to subsection (b)(4) above.