

SENATE No. 603

The Commonwealth of Massachusetts

PRESENTED BY:

Eric P. Lesser

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 to improve the accessibility and affordability of naloxone and other pharmaceutical drugs of public health concern.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|------------------------------|------------------------------------|
| <i>Eric P. Lesser</i> | <i>First Hampden and Hampshire</i> |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> |
| <i>Jennifer L. Flanagan</i> | <i>Worcester and Middlesex</i> |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |
| <i>Diana DiZoglio</i> | <i>14th Essex</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> |

SENATE No. 603

By Mr. Lesser, a petition (accompanied by bill, Senate, No. 603) of Eric P. Lesser, Bruce E. Tarr, Jennifer L. Flanagan, Joan B. Lovely and other members of the General Court for legislation to improve the accessibility and affordability of naloxone and other pharmaceutical drugs of public health concern. Health Care Financing.

The Commonwealth of Massachusetts

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

An Act to improve the accessibility and affordability of naloxone and other pharmaceutical drugs of public health concern.

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. Notwithstanding any general or special law to the contrary, there shall be a
2 special commission to examine the prospect of establishing a system for the bulk purchasing and
3 distribution of naloxone and other pharmaceutical products with a significant public health
4 benefit and the potential for significant health care cost savings through overall increased
5 purchase capacity.

6 The commission shall consist of 11 members: 1 of whom shall be the commissioner of
7 the department of public health, or a designee, who shall serve as chair; 1 of whom shall be the
8 executive director of the group insurance commission, or a designee; 1 of whom shall be the
9 chief of pharmacy of the state office of pharmacy services; 1 of whom shall be the division of
10 medical assistance pharmacy director; 2 of whom shall be the chairs of the joint committee on
11 health care financing; and 5 members to be appointed by the commissioner of public health, 1 of

12 whom shall be a health care economist, 1 of whom shall be an expert in health law and policy
13 innovation, 1 of whom shall be an academic with relevant expertise in the field, 1 of whom shall
14 be the chief executive officer of a licensed hospital in the commonwealth and 1 of whom shall be
15 a member of the public with experience with health care and consumer protection.

16 The commission shall study and evaluate all aspects related to establishing a system for
17 the bulk purchasing and distribution of naloxone and other pharmaceutical products with a
18 significant public health benefit and the potential for significant health care cost savings through
19 overall increased purchase capacity. The commission shall hold, at a minimum, three hearings in
20 different geographic areas of the commonwealth, and shall accept input from the public, as well
21 as solicit expert testimony from individuals representing the following entities: health insurance
22 companies, pharmaceutical companies, pharmacies, hospitals, municipalities, health care
23 practitioners, community health centers, substance abuse providers, public health educational
24 institutions and other experts as identified by the commission.

25 The commission shall, following the completion of the required hearings, file a report of
26 its analysis, recommendations and any legislative or regulatory changes necessary to advance
27 said recommendations to the clerks of the senate and house of representatives, as well as to the
28 joint committee on ways and means, the joint committee on health care financing, the joint
29 committee on public health, the joint committee on elder affairs and the joint committee on
30 mental health and substance abuse. The report shall include, but not be limited to: (i) the process
31 or processes by which the state could make bulk purchases of naloxone and other pharmaceutical
32 products with a significant public health benefit and the potential for significant health care cost
33 savings through bulk purchasing; (ii) the process or processes by which other governmental or
34 nongovernmental entities might voluntarily participate in said collaborative in order to purchase

35 naloxone or other pharmaceutical products with a significant public health benefit and the
36 potential for significant health care cost savings; (iii) the process or processes by which the state
37 could efficiently and economically distribute said bulk purchases; (iv) the sources of funding
38 available to implement said bulk purchases; (v) the anticipated cost savings said bulk purchases
39 would provide to the state and other participating governmental and nongovernmental entities;
40 (vi) the potential to partner with the federal government and or other states in the New England
41 region; and (vii) recommendations for how a bulk purchasing model or other leveraged purchase
42 models could be effectively utilized by the commonwealth to reduce pharmaceutical costs for the
43 state, other governmental and nongovernmental entities, and consumers.

44 The commission shall file a report not later than eight months after the enactment of this
45 act.