

HOUSE No. 4202

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry and Michael F. Rush

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 bulk purchase of Epinephrine Auto-Injectors.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------|----------------------------|-------------------|
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>10/29/2019</i> |
| <i>Michael F. Rush</i> | <i>Norfolk and Suffolk</i> | <i>10/29/2019</i> |

HOUSE No. 4202

By Representative McMurtry of Dedham and Senator Rush, a joint petition (subject to Joint Rule 12) of Paul McMurtry and Michael F. Rush for legislation to establish a special commission (including members of the General Court) relative to the bulk purchase of epinephrine auto-injectors. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the bulk purchase of Epinephrine Auto-Injectors.

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 10 of the General Laws is hereby amended by inserting after
2 section 35MMM, added by section 9 of chapter 41 of the acts of 2019, the following section:-

3 Section 35NNN. (a) There shall be an Epinephrine Auto-Injectors Bulk Purchase Fund.
4 The fund shall be administered and expended by the commissioner of public health or a designee
5 for the operation of the epinephrine auto-injectors bulk purchase program. Residents of the
6 Commonwealth may purchase epinephrine auto-injectors directly through the program. The state
7 office of pharmacy services shall assist with the purchasing and distribution of epinephrine auto-
8 injectors Injectors on behalf of the program.

9 (b) The fund shall consist of: (i) payments made by program participants for the purchase
10 of epinephrine auto-injectors; (ii) revenue from appropriations or other monies authorized by the
11 general court and specifically designated to be credited to the fund; and (iii) funds from public or

12 private sources including, but not limited to, gifts, grants, donations, rebates and settlements
13 received by the commonwealth that are specifically designated to be credited to the fund.
14 Amounts credited to the fund shall not be subject to further appropriation and monies remaining
15 in the fund at the end of a fiscal year shall not revert to the General Fund.

16 SECTION 2. (a) There shall be established, pursuant to section 2A of chapter 4 of the
17 General Laws, a special commission to study and make recommendations concerning the
18 allocation of funds in the Epinephrine Auto-Injectors Bulk Purchase Fund and the
19 implementation of the epinephrine auto-injectors bulk purchase program. The commission shall
20 consist of 9 members; 1 member of the House of Representatives, to be appointed by the Speaker
21 of the House of Representatives, who shall serve as co-chair; 1 member of the House of
22 Representatives, to be appointed by the Minority Leader of the House of Representatives; 1
23 member of the Senate, to be appointed by the President of the Senate, who shall serve as co-
24 chair; 1 member of the Senate, to be appointed by the Minority Leader of the Senate; the
25 Commissioner of Public Health; 1 person to be appointed by the President of the Senate, who
26 shall be a medical doctor who specializes in Immunology and is licensed to practice in the
27 Commonwealth; 1 person to be appointed by the Speaker of the House of Representatives, who
28 shall be a certified school nurse in the Commonwealth and 2 members to be appointed by the
29 Governor, 1 of whom shall be a pharmacist licensed to practice in the Commonwealth and 1 of
30 whom shall be a representative of a pharmaceutical company.

31 (b) The commission shall report its findings and recommendations to the Governor and
32 the clerks of the House of Representatives and the Senate, including any recommendations for
33 legislation or regulations, within 4 months of the effective date of this act.