

SENATE No. 1252

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio, (BY REQUEST)

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 accessible prescription labeling.

PETITION OF:

NAME:

Brian Coppola

DISTRICT/ADDRESS:

SENATE No. 1252

By Ms. DiZoglio (by request), a petition (accompanied by bill, Senate, No. 1252) of Brian Coppola for legislation relative to accessible prescription labeling. Public Health.

The Commonwealth of Massachusetts

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

An Act relative to accessible prescription labeling.

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. For the purposes of this act, agencies that serve cross disability populations
2 receiving state funding for their programs under the state’s fiscal budget shall include, but, not be
3 limited to: The Massachusetts Commission for the Blind, otherwise known as MCB, the
4 Massachusetts Commission on Rehabilitation, otherwise known as MCR, the Massachusetts
5 Commission On the Developmentally Disabled, otherwise known as MCD, The Massachusetts
6 Commission on The Deaf and Hard of Hearing, otherwise known as MCDH, Independent Living
7 Centers, otherwise known as LIC’s, and any agency or organization that receives state funding,
8 whether directly through the state budget or indirectly in conjunction with payment by the
9 Commonwealth of Massachusetts to train or rehabilitate people with disabilities related to visual
10 or print impairment.

11 SECTION 2. A pharmacist shall be defined as a person who has a pharmacology degree
12 and is licensed within or without the Commonwealth of Massachusetts to dispense prescription
13 medication. A pharmacy technician shall be defined as a technician who works with a pharmacist

and has the appropriate educational requirements to be a pharmacy technician. A pharmacy shall be defined as a drug store or any other store that contains pharmacy counters and that the entity has a pharmacist on hand to dispense prescription or over the counter medication.

SECTION 3. In any store or entity that hosts or has a pharmacy counter that employs a pharmacist who has the essential job responsibility of dispensing prescription medication or any other form of medication and whom the essential job responsibility of giving counseling on the uses of medication, it shall be deemed that: A. A Pharmacy Counter is a place of public accommodation, whether privately owned or publicly owned and; B. The dispensing of Medication at a pharmacy counter in a store or in a drugstore, or both, is a fundamental operation of business, as defined by applicable state and federal law.

SECTION 4. Print reading challenges shall include, but, not be limited to blindness, legal blindness, low vision, dyslexia, language barrier, (a person who has no English Proficient skills or those who are English illiterate), Diabetic Neurothrophy, or Elders losing their vision due to age, or the developmentally disabled who cannot read standard printed material.

SECTION 5. It shall be the responsibility of the aforementioned state funded cross-disability agencies or organizations, who receive the aforementioned state funding for their programs and services under the state fiscal budget, to work in collaboration with pharmacists across the Commonwealth of Massachusetts to establish the following: A retail community pharmacy that shall notify each person to whom a drug is dispensed that a prescription reader is available to the person if they have print reading challenges. The retail community pharmacy shall, upon the request of a person with print reading challenges to whom a drug is dispensed: (a) Provide a prescription reader to the person to whom the drug is dispensed to use for at least the

duration of the prescription and attach to the container of the drug a label; or (b) Provide directions or advice to the person on obtaining a prescription reader appropriate to his or her visual or print impairment.

SECTION 6. For purposes of this act, prescription reader means a device designed to convey audibly the information contained on the label or other device affixed to the container of a prescription drug to a person who is visually impaired or otherwise would have difficulty reading the label.

SECTION 7. Any cross disability agency, or training facility, or rehabilitation agency, receiving state budgetary funding for their programs, whether directly or indirectly who fail to work in collaboration with pharmacists across the Commonwealth of Massachusetts to establish best practices for putting prescription labels into accessible formats for print reading disabled individuals, or who fails to aid pharmacies across the Commonwealth of Massachusetts to create the aforementioned pilot programs, shall lose five percent (5%) of funding from their budget the next fiscal year upon which their failure to participate and has been found by factual findings of the Joint Committee of Ways and Means by evidence or numerous complaints brought by consumers to participate in establishing said pilot programs. Round table discussions between pharmacists and people who are specially trained in the needs of print related disabilities shall constitute prima facie evidence as to compliance or non-compliance. Specialists working in the profession of the disability field shall include, but, not be limited to rehabilitation counselors, nurses working at training or rehabilitation facilities who train the disabled or special needs teachers of the visually impaired, or doctors who work at either special needs schools receiving state funding for their programs or who are working in affiliation with any special needs school

- 58 or rehabilitation training centers for persons with disabilities, who receive state funding in whole
- 59 or in part from the fiscal budget for their programs or services offered to disabled people.