SENATE DOCKET, NO. 1440 FILED ON: 2/17/2021

SENATE . . . . . No. 664

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 ensuring access to medications.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
James B. Eldridge	*Middlesex and Worcester*	
Michael O. Moore	*Second Worcester*	*3/4/2021*
Michelle M. DuBois	*10th Plymouth*	*4/7/2021*
Jason M. Lewis	*Fifth Middlesex*	*5/5/2021*
Diana DiZoglio	*First Essex*	*11/1/2021*

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SENATE . . . . . No. 664

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 664) of James B. Eldridge, Michael O. Moore and Michelle M. DuBois for legislation to ensure access to medications. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *582* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act ensuring access to medications.

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

SECTION 1. Section 3B of chapter 176D of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word "network" in line 70, the following sentence:-

A carrier shall not prohibit the dispensing of specialty drugs as defined by this section that are included in its pharmaceutical drug benefits to insureds by any licensed pharmacy provided that the pharmacy is able to provide the special handling, administration and monitoring requirements of the specialty drug.; and

by inserting, after the word “process” in line 119, the following sentence:-

The term "specialty drugs" shall mean prescription medications that require special handling, administration or monitoring.

SECTION 2. Chapter 112 is hereby amended by inserting after section 39J the following section:-

Section 39K. (a) The board shall establish a procedure to license specialty pharmacies, which prescribe, ship, mail, sell or dispense specialty medications in the commonwealth, that pertains to the practice of pharmacy. The board shall also take steps to ensure that all shipments of pharmaceuticals from in-state pharmacies to out-of-state destinations are in compliance with the licensing procedures applicable to pharmacies in the commonwealth. Further, for the purposes of this section a specialty pharmacy shall not be defined as a mail service pharmacy and may include any registered pharmacy in the commonwealth engaged in the dispensing of specialty medications as defined in section 3B of chapter 176D.

(b) A specialty pharmacy shall designate a pharmacist in charge who shall register with the board and shall be responsible for the pharmacy's compliance with this chapter. Such pharmacist in charge shall be licensed and in good standing with the state board of registration in pharmacy in which the pharmacy is located.

(1) The designated pharmacist in charge shall disclose to the board the location, name and title of all principal managers and the name and Massachusetts license number of the designated pharmacist in charge, if applicable, and a letter from the in-state board of registration of pharmacy certifying that the pharmacist in charge is in good standing with the in-state board of registration. The designated pharmacist in charge shall submit a report containing this

information and a copy of the certifying letter of good standing on an annual basis and within 30 days after any change of office, corporate office or manager of record.

(2) The designated pharmacist in charge shall certify to the board that the pharmacy maintains, at all times, a current unrestricted license, permit or registration to conduct the pharmacy in compliance with the laws and regulations of the jurisdiction in which it is licensed to practice. The pharmacy shall certify its compliance with reasonable informational requests made by the board. The pharmacy shall also notify the board of any enforcement or disciplinary action taken against the pharmacy regardless of the state in which the enforcement action is taken.

(3) The designated pharmacist in charge shall certify to the board that the pharmacy maintains records of all drugs dispensed to patients in the commonwealth, and that these records are readily available, upon the request of the board. A list of drugs dispensed in the commonwealth shall be sent to the board annually.

(c) No pharmacy or pharmacist operating outside of the state shall prescribe, ship, mail, sell, transfer or dispense drug preparations in the commonwealth unless that pharmacy has been granted a specialty license pursuant to this section.

SECTION 3. The division of insurance shall promulgate regulations to enforce section 1 of this act and the board of registration in pharmacy shall promulgate regulations to enforce section 2 of this act by December 31, 2021.