

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Danillo A. Sena and Paul McMurtry

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 specialty medications.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>5/15/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>5/15/2023</i>

HOUSE No.

By Representatives Sena of Acton and McMurtry of Dedham, a petition (subject to Joint Rule 12) of Danillo A. Sena and Paul McMurtry relative to access to specialty medications. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act ensuring access to specialty medications.

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 is hereby amended by inserting after
2 section 39J the following section:-

3 Section 39K. (a) For the purposes of this section, a “specialty pharmacy” may include
4 any pharmacy in the commonwealth engaged in the dispensing of specialty medications as
5 defined in section 3B of chapter 176D; provided further, that “specialty pharmacy” shall not
6 include a mail service pharmacy.

7 The board shall establish a procedure to license specialty pharmacies, which prescribe,
8 ship, mail, sell or dispense specialty medications in the commonwealth. The board shall take
9 steps to ensure that all shipments of pharmaceutical drugs from in-state pharmacies to out-of-
10 state destinations are in compliance with the licensing procedures applicable to pharmacies in the
11 commonwealth.

12 (b) (1) A specialty pharmacy shall designate a pharmacist in charge who shall register
13 with the board and shall be responsible for the pharmacy's compliance with this chapter. Such
14 pharmacist in charge shall be licensed and in good standing with the competent board of
15 registration in pharmacy in the jurisdiction where the pharmacy is located.

16 (2) The designated pharmacist in charge shall disclose to the board the location, name
17 and title of all principal managers and the name and applicable in-state board of registration
18 license number of the designated pharmacist in charge, if applicable, and a letter from the board
19 of registration of pharmacy certifying that the pharmacist in charge is in good standing with the
20 applicable in-state board of registration. The designated pharmacist in charge shall submit a
21 report containing this information and a copy of the certifying letter of good standing annually
22 and within 30 days after any change of office, corporate office or manager of record.

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

30 (4) Annually, the designated pharmacist in charge shall certify to the board that the
31 pharmacy maintains records of all drugs dispensed to patients in the commonwealth, and that
32 these records are readily available, upon the request of the board. Annually, the designated
33 pharmacist in charge shall send to the board a list of drugs dispensed in the commonwealth.

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

37 (d) The division of insurance may adopt any written policies or procedures or promulgate
38 regulations that the division determines are necessary to implement this section.

39 SECTION 2. The fourth paragraph of section 3B of chapter 176D of the General Laws,
40 as appearing in the 2020 Official Edition of the General Laws, is hereby amended by inserting
41 after the second sentence the following sentences:- A carrier shall not prohibit the dispensing of
42 specialty drugs as defined by this section that are included in its pharmaceutical drug benefits to
43 insureds by any licensed pharmacy; provided, however, that the pharmacy is able to comply with
44 the special handling, administration and monitoring requirements of the specialty drug. A carrier
45 shall allow any network pharmacy to provide specialty drugs if the pharmacy agrees to the same
46 reimbursement terms and conditions.