# SENATE . . . . . No. 2272

## The Commonwealth of Massachusetts

**In the Year Two Thousand Fourteen**

SENATE, Tuesday, July 15, 2014

The committee on Ways and Means, to whom was referred the Senate Bill relative to the in-office sales of medical devices and products (Senate, No. 1032) (the committee on Health Care Financing having recommended that the bill be amended by substitution of a new draft with the same title, Senate, No. 2128) reports, recommending that the proposed Health Care Financing new draft (Senate, No. 2128) ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2272).

For the committee,
Stephen M. Brewer

# SENATE . . . . . No. 2272

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An Act relative to the in-office sales of medical devices and products.

*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 9 of chapter 94C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after subsection (b) the following subsection:-

(b ½) For the purposes of this section, "aesthetic pharmaceutical" shall mean a prescription medication that: (i) includes either hydroquinone or tretinoin, or both; (ii) is classified by the department as a schedule VI controlled substance; (iii) has been approved by the federal Food and Drug Administration; and (iv) is prescribed for the treatment of a diagnosed skin condition or to alleviate symptoms of a diagnosed skin condition that affects the patient's appearance.

A physician may, in good faith and in the practice of medicine, dispense and sell aesthetic pharmaceuticals directly to patients in amounts greater than necessary for immediate and proper treatment. Physicians dispensing aesthetic pharmaceuticals shall: comply with all applicable state and federal storage, labeling and recordkeeping requirements; and comply with the requirements of this chapter prior to each dispensing of an aesthetic pharmaceutical. Records maintained under this section shall be accessible as required by state and federal law.

SECTION 2. The department shall promulgate regulations governing the dispensing and sale of aesthetic pharmaceuticals, including provisions to ensure patient safety, pursuant to this section.

SECTION 3. This act shall take effect 180 days after the passage of this act.