

**SENATE . . . . . No. 630**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***James B. Eldridge***

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*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.**

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PETITION OF:

NAME:

*James B. Eldridge*

DISTRICT/ADDRESS:

*Middlesex and Worcester*

**SENATE . . . . . No. 630**

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 630) of James B. Eldridge for legislation to ensure access to medications. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 664 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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