



General Assembly

January Session, 2023

Substitute Bill No. 6905



**AN ACT CONCERNING STATE CONTRACTING AND THE
DISPENSING, SALE AND DISTRIBUTION OF CERTAIN
PHARMACEUTICALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) For the purposes of
2 this section:

3 (1) "State agency" has the same meaning as provided in section 1-79
4 of the general statutes;

5 (2) "Quasi-public agency" has the same meaning as provided in
6 section 1-120 of the general statutes;

7 (3) "Municipality" means any town, city, consolidated town and city
8 or consolidated town and borough;

9 (4) "State contract" means an agreement of an entity to provide
10 goods or services for the state, a quasi-public agency or a municipality
11 that is funded, in whole or in part, by state funds, and includes, but is
12 not limited to, a group hospitalization and medical and surgical
13 insurance plan procured under section 5-259 of the general statutes;

14 (5) "Pharmaceutical" means a substance intended for use in the cure,
15 mitigation, treatment or prevention of a condition related to the
16 human reproductive system, including pregnancy, contraception or
17 the termination of a pregnancy in humans; and

18 (6) "Entity" means any corporation, general partnership, limited
19 partnership, limited liability partnership, joint venture, nonprofit
20 organization or other business organization that dispenses, sells or
21 distributes pharmaceuticals, and includes all wholly-owned
22 subsidiaries, majority-owned subsidiaries, parent companies or
23 affiliates of such entities or business associations that exist for the
24 purpose of making a profit.

25 (b) Not later than November 1, 2023, and annually thereafter, any
26 entity that dispenses, sells or otherwise distributes pharmaceuticals in
27 this state shall submit to the Department of Administrative Services a
28 certification under penalty of false statement concerning (1) whether
29 the entity has an official policy of refusing to dispense, sell or
30 distribute such pharmaceuticals in another state, and (2) the reason for
31 such policy of refusal, including, but not limited to, any claim that
32 such dispensing, sale or distribution is prohibited in another state. The
33 Commissioner of Administrative Services may prescribe a form for
34 such certification. The commissioner shall submit a copy of any
35 certification that affirms a policy of refusal based upon a claim that the
36 dispensing, sale or distribution of such pharmaceuticals is prohibited
37 in a state to the office of the Attorney General. The Attorney General
38 shall analyze and issue an opinion regarding whether the Attorney
39 General agrees that such dispensing, sale or distribution of
40 pharmaceuticals is prohibited and shall submit such opinion to the
41 commissioner.

42 (c) Not later than December 1, 2023, the commissioner shall (1)
43 compile a list of all certifications received under this subsection that
44 includes whether each entity listed has such a policy of refusal, and (2)
45 post such list on the department's Internet web site, including any
46 opinion issued by the Attorney General, if applicable. The
47 commissioner shall update such posted list periodically, but not less
48 than quarterly.

49 (d) On and after December 1, 2023, no state agency, quasi-public
50 agency or municipality shall enter into, amend or renew any state

51 contract with any entity or pay any claim or approve any payment to
52 an entity, unless (1) such entity submits a copy of its most recent
53 certification submitted under subsection (b) of this section, under
54 penalty of false statement, and (2) either (A) such certification states
55 that such entity does not have a policy of refusal, as described in
56 subsection (b) of this section, or (B) such certification states that such
57 entity's policy of refusal is based upon a claim that the dispensing, sale
58 or distribution of such pharmaceuticals is prohibited in a state, and the
59 opinion issued by the Attorney General supports such claim.

60 (e) Each state agency, quasi-public agency and municipality shall
61 include in the bid specifications or request for proposals for a state
62 contract a notice of the certification requirements of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	New section

Statement of Legislative Commissioners:

In Subsec. (a)(2), "1-79" was changed to "1-120" for statutory consistency and in Subsec. (a)(4), a reference to "quasi-public agency" was added for consistency.

GAE *Joint Favorable Subst. -LCO*