

HOUSE No. 1061

The Commonwealth of Massachusetts

PRESENTED BY:

Hannah Kane and Jack Patrick Lewis

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 relative to emergency insulin access.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------------|---|------------------|
| <i>Hannah Kane</i> | <i>11th Worcester</i> | <i>1/18/2023</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>1/18/2023</i> |
| <i>Joseph D. McKenna</i> | <i>18th Worcester</i> | <i>1/31/2023</i> |
| <i>David Allen Robertson</i> | <i>19th Middlesex</i> | <i>2/6/2023</i> |
| <i>John Barrett, III</i> | <i>1st Berkshire</i> | <i>2/6/2023</i> |
| <i>Kathleen R. LaNatra</i> | <i>12th Plymouth</i> | <i>2/6/2023</i> |
| <i>William J. Driscoll, Jr.</i> | <i>7th Norfolk</i> | <i>2/6/2023</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> | <i>2/7/2023</i> |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> | <i>2/7/2023</i> |
| <i>Steven Owens</i> | <i>29th Middlesex</i> | <i>2/7/2023</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>2/8/2023</i> |
| <i>David F. DeCoste</i> | <i>5th Plymouth</i> | <i>2/8/2023</i> |
| <i>Samantha Montaño</i> | <i>15th Suffolk</i> | <i>2/8/2023</i> |
| <i>Alan Silvia</i> | <i>7th Bristol</i> | <i>2/10/2023</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>2/15/2023</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | <i>2/16/2023</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Worcester and Middlesex</i> | <i>2/23/2023</i> |

HOUSE No. 1061

By Representatives Kane of Shrewsbury and Lewis of Framingham, a petition (accompanied by bill, House, No. 1061) of Hannah Kane, Jack Patrick Lewis and others relative to emergency insulin access. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1132 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to emergency insulin access.

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. Section 17G of chapter 32A of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the word "items", in line 6, the first time it
3 appears, the following words:- or if dispensed by a pharmacist in an emergency situation
4 pursuant to section 12D½ of chapter 112.

5 SECTION 2. Chapter 112 of the General Laws is hereby amended by inserting after
6 section 12D the following section:-

7 Section 12D ½ (a) For the purposes of this section, the following terms shall have the
8 following meanings unless the context clearly requires otherwise:

9 "Emergency situation", an event in which authorization for the dispensing of insulin may
10 not be readily obtained from the practitioner.

11 "Pharmacist's professional judgment", the judgment of a pharmacist as to whether the
12 substance to be dispensed is essential to sustain the life of the patient or continue therapy for a
13 chronic condition of the patient, and whether failure to dispense or sell the drug to the patient
14 could result in harm to the health of the patient.

15 (b) Notwithstanding any general or special law to the contrary, in an emergency situation,
16 a pharmacist may dispense a supply of insulin. The supply dispensed may not exceed a 30-day
17 supply as provided in the prescription or, if the standard unit of dispensing for the drug exceeds a
18 30-day supply, the amount of the drug dispensed or sold does not exceed the standard unit of
19 dispensing. The pharmacist shall exercise professional judgment in determining the amount of
20 the drug to be dispensed or sold.

21 (c) A pharmacist shall not dispense or sell a particular drug to the same patient in an
22 amount described in subsection (b) more than once in any 6-month period.

23 (d) The commissioner of public health shall promulgate rules and regulations necessary
24 for the implementation of this section.

25 SECTION 3. Section 10C of chapter 118E of the General Laws, as appearing in the 2020
26 Official Edition, is hereby amended by inserting after the word "items", in line 4 , the following
27 words:- or if dispensed by a pharmacist in an emergency situation pursuant to section 12D½ of
28 chapter 112.

29 SECTION 4. Section 47N of chapter 175 of the General Laws, as so appearing, is hereby
30 amended by inserting after the word "items", in line 14, the first time it appears, the following
31 words:- or if dispensed by a pharmacist in an emergency situation pursuant to section 12D½ of
32 chapter 112.

33 SECTION 5. Section 8P of chapter 176A of the General Laws, as so appearing, is hereby
34 amended by inserting after the word "items", in line 13, the first time it appears, the following
35 words:- or if dispensed by a pharmacist in an emergency situation pursuant to section 12D½ of
36 chapter 112.

37 SECTION 6. Section 4S of chapter 176B of the General Laws, as so appearing, is hereby
38 amended by inserting after the word "items", in line 13, the first time it appears, the following
39 words:- or if dispensed by a pharmacist in an emergency situation pursuant to section 12D½ of
40 chapter 112.

41 SECTION 7. Section 4H of chapter 176G of the General Laws, as so appearing, is hereby
42 amended by inserting after the word "items", in line 9, the following words:- or if dispensed by a
43 pharmacist in an emergency situation pursuant to section 12D½ of chapter 112.