

SENATE No. 651

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

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:	
<i>Adam Gomez</i>	<i>Hampden</i>	
<i>Anne M. Gobi</i>	<i>Worcester and Hampshire</i>	<i>2/1/2023</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/9/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/23/2023</i>

SENATE No. 651

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 651) of Adam Gomez, Anne M. Gobi, Mark C. Montigny and Rebecca L. Rausch for legislation relative to emergency insulin access. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 691 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" the third time it appears,
3 the following:- or if dispensed by a pharmacist in an emergency situation pursuant to section
4 12D½ of chapter 112.

5 SECTION 2. Chapter 112 of the General Laws, as so appearing, is hereby amended by
6 inserting after section 12D the following new 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 so appearing, is
26 hereby amended by inserting after the word "items" the third time it appears, the following:- or if
27 dispensed by a pharmacist in an emergency situation pursuant to section 12D½ of chapter 112.

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

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

34 SECTION 6. Section 4S of chapter 176B of the General Laws, as so appearing, is hereby
35 amended by inserting after the word "items" the third time it appears, the following:- or if
36 dispensed by a pharmacist in an emergency situation pursuant to section 12D½ of chapter 112.

37 SECTION 7. Section 4H of chapter 176G of the General Laws, as so appearing, is hereby
38 amended by inserting after the word "items" the third time it appears, the following:- or if
39 dispensed by a pharmacist in an emergency situation pursuant to section 12D½ of chapter 112.