



Senate

General Assembly

File No. 169

January Session, 2011

Substitute Senate Bill No. 1131

Senate, March 23, 2011

The Committee on General Law reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING SCRAP METAL PROCESSORS,
PROFESSIONAL AND OCCUPATIONAL RETIREMENT STATUS
LICENSES, AND GENERIC DRUG PRODUCT SUBSTITUTIONS.***

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

1 Section 1. Section 21-11a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) (1) A scrap metal processor, as defined in section 14-67w, shall
4 record, for all loads of scrap metal purchased or received by such
5 processor, a description of such scrap metal, the weight of such metal,
6 the price paid for such metal and the identification of the person who
7 delivered such metal. Such scrap metal processor shall take a
8 photograph of the motor vehicle delivering such scrap metal,
9 including the license plate of such vehicle. Such scrap metal processor
10 shall not be required to segregate scrap metal it receives from other
11 materials on its premises and hold the same for five days except for
12 wire or cable that could be used in the transmission of
13 telecommunications or data or scrap equipment, wire or cable that

14 could be used in the transmission or distribution of electricity by an
15 electric distribution company unless purchased from (1) a person
16 licensed pursuant to section 29-402 to engage in the business of
17 demolition of buildings, or (2) a person who has already segregated
18 such scrap metal pursuant to this chapter and such person provides
19 such scrap metal processor with a written statement affirming such
20 segregation. Upon receipt of a load of scrap metal which contains wire
21 or cable that could be used in the transmission of telecommunications
22 or data or scrap equipment, wire or cable that could be used in the
23 transmission or distribution of electricity by an electric distribution
24 company, such scrap metal processor shall take a photograph of the
25 motor vehicle delivering such scrap metal, including the license plate
26 of such vehicle, and of such load of scrap metal. Upon receipt of wire
27 or cable that could be used in the transmission of telecommunications
28 or data or scrap equipment, wire or cable that could be used in the
29 transmission or distribution of electricity by an electric distribution
30 company, such scrap metal processor shall make a copy of the
31 certificate of registration of such vehicle, record a description of the
32 material received, and record a statement as to the location from which
33 the material came.

34 (2) Any person who delivers scrap metal to a scrap metal processor
35 shall certify the origin of such metal in writing to such processor.

36 (b) The scrap metal processor shall maintain the documents,
37 photographs and other records required under subsection (a) of this
38 section in good condition and shall retain such records for a period of
39 not less than two years. Such records shall be open for inspection by
40 law enforcement officials upon request during normal business hours.

41 (c) A scrap metal processor, junk dealer or junk yard owner or
42 operator shall immediately notify a municipal law enforcement
43 authority in the municipality in which such scrap metal processor,
44 junk dealer or junk yard is located of the name, if known, and motor
45 vehicle license plate number, if available, of any person offering to sell
46 a bronze statue, plaque, historical marker, cannon, cannon ball, bell,

47 lamp, lighting fixture, lamp post, architectural artifact or similar item
48 to such scrap metal processor, junk dealer or junk yard owner or
49 operator.

50 (d) No scrap metal processor, junk dealer or junk yard owner or
51 operator may purchase or receive a stainless steel or aluminum alloy
52 beer or other beverage keg container if such container is marked with
53 an indicia of ownership of any person or entity other than the person
54 or entity presenting such container for sale. For purposes of this
55 subsection, "indicia of ownership" means words, symbols or a
56 registered trademark printed, stamped, etched, attached or otherwise
57 displayed on such container that identify the owner of such container.

58 (e) A scrap metal processor who has purchased scrap metal that is
59 subsequently determined to have been stolen and is returned to the
60 owner of such metal shall have a civil cause of action against the
61 person from whom such metal was purchased.

62 (f) A first violation of subsection (a), (b), (c) or (d) of this section
63 shall be a class C misdemeanor. A second violation of any of said
64 subsections shall be a class B misdemeanor and a third or subsequent
65 violation of any of said subsections shall be a class A misdemeanor.

66 Sec. 2. (NEW) (*Effective January 1, 2012*) (a) Any person currently
67 holding a license issued by the Department of Consumer Protection
68 pursuant to title 20 of the general statutes who has attained the age of
69 sixty-five may renew his or her license as a retirement status license
70 pursuant to subsections (b) to (d), inclusive, of this section.

71 (b) An applicant for a retirement status license shall submit his or
72 her original license to the Department of Consumer Protection, along
73 with a letter of request for such classification. The letter shall contain a
74 statement expressing the licensee's current retirement status and the
75 acceptance of a restriction on the retirement status license prohibiting
76 the applicant from actively engaging in the practice of the occupation
77 or trade for which a license was originally issued.

78 (c) A licensee issued a retirement status license shall not practice or
79 offer to practice the occupation or trade for which a license was
80 originally issued.

81 (d) The fee for a retirement status license shall be twenty dollars.

82 (e) A licensee issued a retirement status license may restore such
83 licensee's original license by submitting a form, to be provided by the
84 Department of Consumer Protection, requesting reinstatement and by
85 paying the current annual fee for such license.

86 Sec. 3. Section 20-619 of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective October 1, 2011*):

88 (a) For the purposes of section 20-579 and this section:

89 (1) "Brand name" means the proprietary or trade name selected by
90 the manufacturer and placed upon a drug product, its container, label
91 or wrapping at the time of packaging;

92 (2) "Generic name" means the established name designated in the
93 official United States Pharmacopoeia/National Formulary, official
94 Homeopathic Pharmacopoeia of the United States, or official United
95 States adopted names or any supplement to any of them;

96 (3) "Therapeutically equivalent" means drug products that are
97 approved under the provisions of the federal Food, Drug and
98 Cosmetics Act for interstate distribution and that will provide
99 essentially the same efficacy and toxicity when administered to an
100 individual in the same dosage regimen; and

101 (4) "Dosage form" means the physical formulation or medium in
102 which the product is intended, manufactured and made available for
103 use, including, but not limited to, tablets, capsules, oral solutions,
104 aerosol, inhalers, gels, lotions, creams, ointments, transdermals and
105 suppositories, and the particular form of any physical formulation or
106 medium that uses a specific technology or mechanism to control,
107 enhance or direct the release, targeting, systemic absorption, or other

108 delivery of a dosage regimen in the body.

109 (b) Except as limited by subsections (c) and (e) of this section, unless
110 the purchaser instructs otherwise, the pharmacist may substitute a
111 generic drug product with the same strength, quantity, dose and
112 dosage form as the prescribed drug product which is, in the
113 pharmacist's professional opinion, therapeutically equivalent. When
114 the prescribing practitioner is not reasonably available for consultation
115 and the prescribed drug does not use a unique delivery system
116 technology, the pharmacist may substitute an oral tablet, capsule or
117 liquid form of the prescribed drug as long as the form dispensed has
118 the same strength, dose and dose schedule and is therapeutically
119 equivalent to the drug prescribed. The pharmacist shall inform the
120 patient or a representative of the patient [, and the practitioner] of the
121 substitution at the [earliest reasonable] time the generic drug product
122 is dispensed and shall inform the practitioner of the substitution at the
123 earliest reasonable time.

124 (c) A prescribing practitioner may specify in writing or by a
125 telephonic or other electronic communication that there shall be no
126 substitution for the specified brand name drug product in any
127 prescription, provided (1) in any prescription for a Medicaid, state-
128 administered general assistance, or ConnPACE recipient, such
129 practitioner specifies the basis on which the brand name drug product
130 and dosage form is medically necessary in comparison to a chemically
131 equivalent generic drug product substitution, and (2) the phrase
132 "BRAND MEDICALLY NECESSARY", shall be in the practitioner's
133 handwriting on the prescription form or on an electronically-produced
134 copy of the prescription form or, if the prohibition was communicated
135 by telephonic or other electronic communication that did not
136 reproduce the practitioner's handwriting, a statement to that effect
137 appears on the form. The phrase "BRAND MEDICALLY NECESSARY"
138 shall not be preprinted or stamped or initialed on the form. If the
139 practitioner specifies by telephonic or other electronic communication
140 that did not reproduce the practitioner's handwriting that there shall
141 be no substitution for the specified brand name drug product in any

142 prescription for a Medicaid, state-administered general assistance, or
143 ConnPACE recipient, written certification in the practitioner's
144 handwriting bearing the phrase "BRAND MEDICALLY NECESSARY"
145 shall be sent to the dispensing pharmacy within ten days.

146 (d) Each pharmacy shall post a sign in a location easily seen by
147 patrons at the counter where prescriptions are dispensed stating that,
148 "THIS PHARMACY MAY BE ABLE TO SUBSTITUTE A LESS
149 EXPENSIVE DRUG PRODUCT WHICH IS THERAPEUTICALLY
150 EQUIVALENT TO THE ONE PRESCRIBED BY YOUR DOCTOR
151 UNLESS YOU DO NOT APPROVE." The printing on the sign shall be
152 in block letters not less than one inch in height.

153 (e) A pharmacist may substitute a drug product under subsection
154 (b) of this section only when there will be a savings in cost passed on
155 to the purchaser. The pharmacist shall disclose the amount of the
156 savings at the request of the patient.

157 (f) Except as provided in subsection (g) of this section, when a
158 pharmacist dispenses a substitute drug product as authorized by
159 subsection (b) of this section, the pharmacist shall label the
160 prescription container with the name of the dispensed drug product
161 with a statement that the dispensed drug product is a substitute for a
162 brand name drug product, if applicable. Such statement shall include
163 the name of the brand name drug product. If the dispensed drug
164 product does not have a brand name, the prescription label shall
165 indicate the generic name of the drug product dispensed along with
166 the name of the drug manufacturer or distributor.

167 (g) A prescription dispensed by a pharmacist shall bear upon the
168 label the name of the drug in the container unless the prescribing
169 practitioner writes "DO NOT LABEL", or words of similar import, on
170 the prescription or so designates in an oral or electronic transmission
171 of the prescription.

172 (h) Neither the failure to instruct by the purchaser as provided in
173 subsection (b) of this section nor the fact that a sign has been posted as

174 provided in subsection (d) of this section shall be a defense on the part
175 of a pharmacist against a suit brought by any such purchaser.

176 (i) The commissioner, with the advice and assistance of the
177 commission, shall adopt regulations, in accordance with chapter 54, to
178 carry out the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	21-11a
Sec. 2	<i>January 1, 2012</i>	New section
Sec. 3	<i>October 1, 2011</i>	20-619

GL *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Consumer Protection, Dept.	GF - Revenue Loss	less than 10,000	less than 10,000
Judicial Dept.	GF - Revenue Gain	less than 10,000	less than 10,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a revenue loss of less than \$10,000 to the state by authorizing the Department of Consumer Protection (DCP) to issue retirement status licenses. The bill allows any person age 65 or older holding a DCP license to renew his or her license as a retirement status license. The license fee is \$20. Examples of current license fees include; Architect \$190, Locksmith \$200, Electrical Unlimited Journeyman \$120, and Plumbing and Piping Unlimited Journeyman \$120. It is anticipated that fewer than 100 such licenses will be requested in any fiscal year.

The bill establishes a class C, B or A misdemeanor for not certifying a scrap metal's origin when delivering it to a scrap metal processor, which will result in a potential revenue gain of less than \$10,000 to the General Fund. The estimate assumes that the establishment of a class C, B or A misdemeanor for this offense will increase the likelihood that an estimated 25 offenders annually would be prosecuted and receive harsher penalties than under current law.¹

¹ In 2010, zero convictions were made for this offense, as it was not specified in statute as a class C, B or A misdemeanor.

It is anticipated that the number of additional offenders placed on probation would be less than 25, and would not result in additional resources being required by the Judicial Department.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of requests for retiree licenses and the number of offenses concerning scrap metal origin.

OLR Bill Analysis**sSB 1131*****AN ACT CONCERNING SCRAP METAL PROCESSORS, PROFESSIONAL AND OCCUPATIONAL RETIREMENT STATUS LICENSES, AND GENERIC DRUG PRODUCT SUBSTITUTIONS.*****SUMMARY:**

This bill (1) requires scrap metal deliverers to provide written certification of the metal's origin, (2) authorizes the Department of Consumer Protection (DCP) to issue retirement status licenses, and (3) adds requirements that pharmacists must follow when filling a prescription with generic drugs.

EFFECTIVE DATE: October 1, 2011 for scrap metal and pharmacist provisions and January 1, 2012 for the retirement license provision.

SCRAP METAL DELIVERY

The bill requires anyone who delivers scrap metal to a scrap metal processor to certify, in writing, the metal's origin. Violators are guilty of a class C misdemeanor, punishable by up to three months imprisonment, a fine up to \$500, or both for a first offense; a class B misdemeanor, punishable by up to six months imprisonment, a fine up to \$1,000, or both for a second offense; and a class A misdemeanor, punishable by up to one year imprisonment, a fine up to \$2,000, or both for subsequent offenses.

RETIREMENT STATUS LICENSE

The bill allows any person age 65 or older holding a DCP issued professional or occupational license under Title 20, to pay \$20 when their license is up for renewal and get a retirement status license instead of paying the specified fee for a regular renewal.

An applicant for a retirement status license must submit his or her

original license, along with a letter (1) requesting the retirement status, (2) expressing the licensee’s current retirement status, and (3) accepting the bar on actively engaging in the practice of the occupation or trade for which he or she was originally licensed.

The bill bars a retirement status licensee from practicing or offering to practice the occupation or trade for which he or she was licensed.

A licensee may restore his or her original license by (1) submitting a form requesting reinstatement and (2) paying the current annual license fee.

PHARMACIST

The bill changes when pharmacists must inform a patient or his or her representative of a generic drug substitute. Currently, the law requires pharmacists to inform the patient or the patient’s representative at the earliest reasonable time, the bill instead requires pharmacists to inform patients or their representative at the time they dispense the generic drug.

It also requires pharmacists to add on the drug label a statement that the dispensed drug is a substitute for a brand name drug, when applicable. The statement must include the name of the brand name drug. By law, pharmacist may substitute a generic for a brand name drug only when doing so results in a savings for the consumer.

BACKGROUND

Professional and Occupational Licenses

The professional and occupational licenses DCP issues under Title 20 deal with, among other things, health care, real estate, trades, and professional occupations.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 17 Nay 0 (03/10/2011)