



House of Representatives

General Assembly

File No. 176

January Session, 2013

House Bill No. 6444

House of Representatives, March 26, 2013

The Committee on General Law reported through REP. BARAM of the 15th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING COUNTERFEIT CONTROLLED SUBSTANCES.

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

1 Section 1. (NEW) (*Effective January 1, 2014*) (a) The Commissioner of
2 Consumer Protection, with the advice and assistance of the
3 Commission of Pharmacy, shall adopt regulations, in accordance with
4 chapter 54 of the general statutes, prohibiting any person from
5 knowingly purchasing, trading, selling or transferring a counterfeit
6 substance. For purposes of this section: (1) "Counterfeit substance"
7 means a controlled substance which, or the container or labeling of
8 which, without authorization, bears the trademark, trade name or
9 other identifying mark, imprint, number or device, or any likeness
10 thereof, of a manufacturer, distributor or dispenser other than the
11 person who in fact manufactured, distributed or dispensed the
12 substance, and (2) "controlled substance" means a drug, substance or
13 immediate precursor in schedules I to V, inclusive, of the Connecticut
14 controlled substance scheduling regulations adopted pursuant to

15 section 21a-243 of the general statutes.

16 (b) Any person who violates a provision of any regulation adopted
17 pursuant to subsection (a) of this section with respect to knowingly
18 purchasing, trading, selling or transferring a counterfeit substance
19 shall be subject to a civil penalty of not more than ten thousand dollars
20 for each violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2014</i>	New section

GL *Joint Favorable*

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:** None**Municipal Impact:** None**Explanation**

There is no fiscal impact to the Department of Consumer Protection (DCP) in adopting regulations prohibiting any person from knowingly purchasing, trading, selling or transferring a counterfeit substance, as defined in the bill, as the DCP has expertise in this area.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**HB 6444*****AN ACT CONCERNING COUNTERFEIT CONTROLLED SUBSTANCES.*****SUMMARY:**

This bill requires the consumer protection commissioner, with the Commission on Pharmacy's assistance, to adopt regulations prohibiting any person from knowingly purchasing, trading, selling, or transferring a counterfeit controlled substance. The bill makes violations of these regulations punishable by a civil fine of up to \$10,000 for each violation.

EFFECTIVE DATE: January 1, 2014

COUNTERFEIT CONTROLLED SUBSTANCE

The bill defines "counterfeit substance" as a controlled substance which, or the container or labeling of which, without authorization, bears the trademark; trade name; or other identifying mark, imprint, number, device, or likeness of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed or dispensed the substance. It defines "controlled substance" as any schedule I, II, III, IV, or V drug, substance, or immediate precursor.

BACKGROUND***Prohibitions Concerning Drugs under the Uniform Food, Drug, and Cosmetics Act***

The law generally prohibits:

1. selling or receiving misbranded drugs in intrastate commerce, or misbranding drugs;
2. forging or counterfeiting any mark, label, or other

identification required by state or federal regulations to be on a drug;

3. placing any trademark, trade name, identifying mark, or any likeness thereof, upon the container of any drug, with intent to defraud;
4. selling, dispensing, disposing of, concealing, or keeping any drug, with knowledge that a trademark, trade name, other identifying mark, or any likeness thereof, has been placed on the drug in a prohibited manner; or
5. making, selling, disposing of, keeping, or concealing any printing technology or tool designed to print a trademark, trade name, other identifying mark, or any likeness thereof, upon any drug, with intent to defraud (CGS §21a-93).

A drug is misbranded, among other ways, if the drug or its container is (1) made to be misleading, (2) an imitation of another drug, or (3) offered for sale under the name of another drug.

Violation of any of these prohibitions is punishable by up to six months imprisonment, a fine of up to \$500, or both. Any subsequent violation or a violation done with intent to defraud or mislead is punishable by up to one year imprisonment, a fine of up to \$1000, or both.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 16 Nay 2 (03/12/2013)