



General Assembly

January Session, 2015

Raised Bill No. 998

LCO No. 4188



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING PRESCRIPTION DRUGS.

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

1 Section 1. Section 21a-90 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) For the purposes of this section:

4 (1) "Counterfeit drug or device" means a drug, as defined in section
5 21a-92, or a "device", as defined in section 21a-92, or the container or
6 labeling of which, that without authorization, bears the trademark,
7 trade name or other identifying mark, imprint, number or device, or
8 any likeness thereof, of a manufacturer, distributor or dispenser other
9 than the person or persons who in fact manufactured, distributed or
10 dispensed such drug or device and that thereby falsely purports or is
11 represented to be the drug or device of, or to have been distributed by,
12 such other manufacturer, distributor or dispenser; and

13 (2) "Department" means the Department of Consumer Protection.

14 (b) No person shall knowingly import or reimport into the state,

15 purchase for resale, sell, offer for sale, dispense, as defined in section
16 20-571, or deliver in any manner a counterfeit drug or device.

17 (c) The department shall conduct any necessary investigation
18 regarding possible violations of this section. In connection with any
19 such investigation, the commissioner, or the commissioner's
20 authorized agent, may administer oaths, issue subpoenas, compel
21 testimony and order the production of books, records and documents.
22 If any person refuses to appear, to testify or to produce any book,
23 record or document when so ordered, a judge of the Superior Court
24 may make such order as may be appropriate to aid in the enforcement
25 of this section.

26 (d) The commissioner may conduct hearings regarding violations of
27 this section. Such hearings shall be conducted in accordance with
28 chapter 54. In connection with any such hearing, the commissioner
29 may administer oaths, issue subpoenas, compel testimony and order
30 the production of books, records and documents. If any person refuses
31 to appear, testify or produce any book, record or document when so
32 ordered, a judge of the Superior Court may make such order as may be
33 appropriate to aid in the enforcement of this section.

34 (e) For any violation of this section, the commissioner may:

35 (1) Suspend, revoke, refuse to renew, or place on probationary
36 status a license or registration issued by the department;

37 (2) Assess a civil penalty of not more than one thousand dollars per
38 violation;

39 (3) Issue an appropriate order to any person found to be in violation
40 of this section to provide for the immediate discontinuance of the
41 violation; and

42 (4) Issue an appropriate order to any person found to be in violation
43 of this section, requiring the person to make restitution for any damage

44 caused by the violation.

45 (f) The commissioner may adopt regulations, in accordance with
46 chapter 54, to implement the provisions of this section.

47 (g) Any person who violates any provision of this section shall be
48 fined not more than ten thousand dollars or imprisoned not more than
49 one year, or both, for each violation.

50 Sec. 2. (NEW) (*Effective October 1, 2015*) Any prescribing practitioner,
51 as defined in section 20-14c of the general statutes, who violates the
52 provisions of subsection (b) of section 21a-90 of the general statutes
53 shall be subject to disciplinary action pursuant to section 19a-17 of the
54 general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	21a-90
Sec. 2	<i>October 1, 2015</i>	New section

Statement of Purpose:

To prohibit prescribing practitioners from importing, reimporting, purchasing for resale, selling, offering for sale or delivering a counterfeit drug or device.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]