



Substitute Senate Bill No. 998

Public Act No. 15-49

AN ACT CONCERNING PRESCRIPTION DRUGS.

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

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 Section 21a-90 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) For the purposes of this section:

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

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

(b) No person shall knowingly import or reimport into the state, purchase for resale, sell, offer for sale, dispense, as defined in section 20-571, or deliver in any manner a counterfeit drug or device.

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

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

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

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

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

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

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

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

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

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

Approved June 5, 2015