General Law Committee
JOINT FAVORABLE REPORT

Bill No.: SB-202
Title: AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING PRESCRIPTION DRUG CONTROL.
Vote Date: 3/7/2024
Vote Action: Joint Favorable Substitute
PH Date: 2/27/2024
File No.:

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SPONSORS OF BILL:

General Law Committee

REASONS FOR BILL:

SB-202 aims to regulate the sale of hypodermic needles and syringes, restrict the activities of pharmaceutical representatives, and ensure transparency in the marketing of legend drugs. SB-202 requires pharmaceutical manufacturers to register annually with the Department of Consumer Protection and disclose information about their representatives and activities. SB-202 also mandates that pharmaceutical representatives provide specific information to prescribing practitioners or pharmacists during their interactions. Additionally, SB-202 addresses disciplinary actions against healthcare professionals, including pharmacists, for various violations related to controlled substances.

SUBSTITUTE LANGUAGE:

The proposed substitute language for SB-202 introduces comprehensive changes aimed at regulating the sale of hypodermic needles and syringes, defining key terms related to pharmaceutical marketing, establishing registration requirements for pharmaceutical marketing firms, mandating disclosure by pharmaceutical representatives, empowering the Commissioner of Consumer Protection to enforce regulations and impose penalties, and modifying protocols for electronic prescription drug monitoring programs. These alterations seek to enhance transparency, accountability, and oversight within the pharmaceutical industry, particularly regarding marketing practices, sales, and prescription drug monitoring, thereby safeguarding public health and safety.

RESPONSE FROM ADMINISTRATION/AGENCY:

Bryan Cafferelli, Commissioner, Department of Consumer Protection (DCP):
The Department of Consumer Protection (DCP) expresses support for SB-202, as the bill aims to amend drug control statutes by expanding the range of medical providers authorized to acquire specific medical supplies from wholesalers and manufacturers. DCP is also in favor of SB-202 because it would grant the drug control agents the authority to examine patient medical evaluations when investigating the practices of medical providers prescribing controlled substances.

NATURE AND SOURCES OF SUPPORT:

Jason Prevelige, Chair of the Legislative Committee, Connecticut Academy of Physician Associates (ConnAPA):
The Connecticut Academy of Physician Associates (ConnAPA) expresses support for SB-202, specifically highlighting Sections 1 and 7. Section 1 is commended for its recognition of the diverse ownership and management of healthcare practices, emphasizing the importance of reducing administrative barriers for non-physician-owned practices. Section 7 is praised for its focus on ensuring appropriate documentation for prescribers of controlled substances, which aligns with ConnAPA's goal of reducing substance misuse. ConnAPA urges the Committee to advance the bill for a full legislative vote.

Karen Fecko:
Karen Fecko expresses support for SB-202.

NATURE AND SOURCES OF OPPOSITION:

Kelly Memphis, Director of State Government Affairs, Healthcare Distribution Alliance:
The Healthcare Distribution Alliance (HDA) opposes SB-202 as currently written. However, HDA supports an amendment to SB-202 because HDA believes it will clarify the law and prevent wholesale distributors from being inadvertently included in regulations that are not relevant to their role in the pharmaceutical supply chain. HDA is concerned that the current wording of the law might unintentionally include wholesale distributors in its scope, creating unnecessary burdens. HDA proposes an amendment to the definition of "pharmaceutical manufacturer" to clarify that wholesale distributors engaged in repackaging or relabeling are not inadvertently included. The argument is that this clarification would help the state achieve the legislation's goals without unnecessarily involving wholesale distributors in irrelevant regulations.

Connecticut State Medical Society (CSMS):
The Connecticut State Medical Society (CSMS) specifically opposes Section 1 of SB-202, as it raises concerns about expanding the authority of licensed manufacturers or wholesalers to sell hypodermic needles and syringes to physician assistants and optometrists. CSMS argues against the necessity of this expansion and requests that references to physician assistants and optometrists be removed from the bill. Furthermore, CSMS explains that physician assistants typically do not practice independently, and optometrists do not perform injections beyond emergencies, thus CSMS sees no need for these professionals to directly order such supplies. CSMS requests that the Committee amend Section 1 to remove references to physician assistants and optometrists, offering to collaborate on the matter.

Dr. Steven Thornquist, Connecticut Society of Eye Physicians:

Dr. Steven Thornquist, representing the Connecticut Society of Eye Physicians, opposes specific language in SB-202. Dr. Thornquist argues against granting optometrists expanded access to syringes and needles beyond what's necessary for treating severe allergic reactions, as they are already limited to using pre-filled auto-injectors for this purpose and are explicitly prohibited from administering intravenous injections. Contrasting optometrists with Advanced Practice Registered Nurses (APRNs) and Physician Assistants (PAs), who have more comprehensive training and oversight structures, Dr. Thornquist highlights potential risks of increased access to needles and syringes without clear therapeutic benefits. Dr. Thornquist emphasizes the importance of preventing potential diversion for illicit use and cites statutory language delineating the limited scope of optometric practice regarding injections and invasive procedures.

Reported by: Joshua Gonzalez **Date: 3/20/24**