PA 24-80—sSB 202
General Law Committee

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING PRESCRIPTION DRUG CONTROL

SUMMARY: This act makes several unrelated changes to the laws on pharmacists, pharmaceutical marketing firms and representatives, and controlled substances. It:

1. allows the direct sale of hypodermic needles to certain additional health care professionals;
2. among other changes regarding pharmaceutical marketing firms, requires each pharmaceutical marketing firm that employs or compensates pharmaceutical representatives to ensure that each representative discloses to prescribing practitioners and pharmacists certain information;
3. eliminates an overlapping prohibition on automatic reciprocal discipline of pharmacists who assist in the termination of a pregnancy, while still maintaining the prohibition;
4. requires a person permitted to administer, prescribe, or dispense controlled substances in Connecticut to make certain medical evaluation records available to the Department of Consumer Protection (DCP) for inspection for the purpose of enforcing existing law; and
5. makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

§ 1 — SALES OF HYPODERMIC NEEDLES AND SYRINGES

Under existing law, licensed manufacturers and wholesalers are permitted to sell hypodermic needles and syringes directly to licensed physicians, dentists, veterinarians, embalmers, podiatrists, and scientific investigators, in addition to certain other people and entities (e.g., farmers and industrial users).

The act additionally authorizes licensed manufacturers and wholesalers to sell these items directly to licensed advanced practice registered nurses, optometrists, and physician assistants.

§§ 2-4 & 6 — PHARMACEUTICAL MARKETING FIRMS

Under existing law, pharmaceutical marketing firms that employ pharmaceutical representatives must register with DCP and annually give DCP (1) a list of all pharmaceutical representatives they employ and (2) certain information about these representatives' activities.

The act specifies that a "pharmaceutical marketing firm" includes entities that compensate pharmaceutical representatives, not just those who employ them as

under prior law. Existing law already defines a "pharmaceutical representative" as someone, including a sales representative, who markets, promotes, or provides information on legend drugs to prescribing practitioners and is employed or compensated by a pharmaceutical manufacturer. In conformity, the act (1) specifically requires firms to include people compensated as pharmaceutical representatives by the firm in the list of pharmaceutical representatives that they submit annually to DCP and (2) makes related changes.

The act eliminates the requirement that DCP analyze the information submitted to it by firms and compile an annual report on the activities of pharmaceutical representatives (the first such report, under prior law, was due December 1, 2024). The act instead requires DCP to annually report information on pharmaceutical marketing firms' activities. The act also delays, from December 1 to December 31, 2024, the due date for DCP to post the first report online and submit it to the Office of Policy and Management.

The act requires each pharmaceutical marketing firm that employs or compensates pharmaceutical representatives to ensure that each representative discloses to prescribing practitioners and pharmacists certain information each time they make contact about legend drugs. Prior law did not explicitly give firms responsibility for ensuring this information was provided. Unchanged by the act, the required information is the drug's (1) list price and (2) variation efficacy for different racial and ethnic groups if it is available.

§ 5 — AUTOMATIC RECIPROCAL DISCIPLINE OF PHARMACISTS

The act makes a minor change in state law to eliminate an overlapping prohibition on automatic reciprocal discipline of pharmacists who were disciplined in another state solely for assisting in the termination of a pregnancy. Under existing law and the act, a pharmacist must not be subject to automatic reciprocal discipline in Connecticut based on another jurisdiction's discipline solely for the termination of a pregnancy that would not violate Connecticut law.

§ 7 — INSPECTION OF MEDICAL EVALUATION RECORDS ASSOCIATED WITH CONTROLLED SUBSTANCES

The act requires a person licensed, registered, or otherwise permitted to distribute or dispense controlled substances in Connecticut to make medical evaluation records associated with the dispensing, administering, or prescribing of controlled substances available to DCP for inspection. These medical evaluation records are confidential and not subject to disclosure under the Freedom of Information Act. DCP is limited to inspecting these records only when they are investigating, or conducting an enforcement action of, a violation or suspected violation relating to a controlled substances registration.

The act does not require the disclosure of any substance abuse treatment record that is protected from disclosure under federal law.