OLR Bill Analysis

sSB 202

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

SUMMARY

This bill allows the direct sale of hypodermic needles to certain health care professionals and amends certain provisions on pharmacists, pharmaceutical marketing firms and representatives, and controlled substances.

The bill authorizes licensed manufacturers and wholesalers to sell hypodermic needles and syringes directly to licensed advanced practice registered nurses, optometrists, and physician assistants, in addition to the other professions and groups already covered by existing law.

The bill eliminates the requirement for the Department of Consumer Protection (DCP) to analyze the information submitted to it while compiling a report on the activities of pharmaceutical marketing firms.

Among other changes regarding these firms, the bill requires each pharmaceutical marketing firm that employs or compensates pharmaceutical representatives to ensure that each representative discloses to prescribing practitioners and pharmacists certain information, such as the drug price, each time they contact them about legend drugs. Under current law, this is the responsibility of the pharmaceutical representatives themselves.

The bill eliminates an overlapping prohibition on automatic reciprocal discipline of pharmacists who assist in the termination of a pregnancy. Under existing law automatic reciprocal discipline of a pharmacist must be automatically rescinded if the other state's discipline was solely for the termination of a pregnancy under

conditions that would not violate Connecticut law.

The bill requires a person permitted to distribute or dispense controlled substances in Connecticut to make certain medical evaluation records available to DCP for inspection for the purpose of enforcing existing law. It does not require the disclosure of any substance abuse treatment record that is protected from disclosure under federal law.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

§ 1 — 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.

The bill also 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 annually give DCP (1) a list of all pharmaceutical representatives they employ and (2) certain information about these representatives' activities.

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

The bill specifically requires firms to include people compensated as pharmaceutical representatives, not just employed, by the firm in the list

of pharmaceutical representatives that they are required to submit annually to DCP, and makes related conforming changes.

The bill eliminates the requirement that DCP analyze the information submitted to it while compiling an annual report on the activities of pharmaceutical marketing firms. The bill 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 bill 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. Under current law, this requirement is the responsibility of the individual pharmaceutical representatives. That information is:

1. the drug's list price; and

2. the variation efficacy of the drug marketed to different racial and ethnic groups, if it is available.

§ 5 — AUTOMATIC RECIPROCAL DISCIPLINE OF PHARMACISTS

The bill eliminates an overlapping prohibition on automatic reciprocal discipline of pharmacists who were disciplined in another state solely for assisting in the termination of a pregnancy.

Two 2023 laws enacted similar provisions providing that such 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. The bill eliminates one of these overlapping provisions and keeps the other.

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

The bill 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 are 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 the registration of controlled substances.

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

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute
Yea 22 Nay 0 (03/07/2024)