General Assembly

Amendment

January Session, 2025

LCO No. **10641**

Offered by:
REP. LEMAR, 96th Dist.
SEN. MARONEY, 14th Dist.
REP. RUTIGLIANO, 123rd Dist.

To: House Bill No. **7179** File No. 601 Cal. No. 375

"AN ACT ESTABLISHING A TASK FORCE TO STUDY THE OPERATIONS OF THE DEPARTMENT OF CONSUMER PROTECTION."

Strike everything after the enacting clause and substitute the following in lieu thereof:

"Section 1. Section 21a-70i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) **[**On and after October 1, 2023, a**]** A pharmaceutical manufacturer that employs a pharmaceutical representative shall register annually with the department as a pharmaceutical marketing firm, in a form and manner prescribed by the commissioner. No pharmaceutical manufacturer shall authorize an individual to perform the duties of a pharmaceutical representative on such manufacturer's behalf unless such manufacturer has obtained a pharmaceutical marketing firm registration from the department pursuant to this section. Registrations

issued pursuant to this section shall expire annually on June thirtieth.

(b) The nonrefundable fee for registration as a pharmaceutical marketing firm and for annual renewal of such registration shall be one hundred fifty dollars. Any pharmaceutical marketing firm that fails to renew its registration on or before June thirtieth shall pay a late fee of one hundred dollars for each year that such firm did not renew, in addition to the annual renewal fee required under this section.

(c) On the date of its initial registration, and annually thereafter, each pharmaceutical marketing firm shall provide to the department a list of all pharmaceutical representatives employed or compensated by such firm. Each pharmaceutical marketing firm shall notify the department, in a form and manner prescribed by the commissioner, of each individual who is no longer employed or compensated as a pharmaceutical representative or who was hired or compensated as a pharmaceutical representative after the date on which such firm provided such annual list, not later than two weeks after such individual leaves employment or was hired or otherwise compensated.

(d) The department shall **[**prominently**]** post on its Internet web site the most recent list provided by each pharmaceutical marketing firm pursuant to subsection (c) of this section. The posted list shall contain the first name and last initial of each pharmaceutical representative included on the most recent list such pharmaceutical marketing firm provided to the department pursuant to subsection (c) of this section, and such posted list shall not include the home address of any such pharmaceutical representative.

(e) Any person who is not identified to the department pursuant to subsection (c) of this section shall not perform the duties of a pharmaceutical representative on behalf of the pharmaceutical marketing firm.

(f) Not later than July **[**1, 2024, and annually thereafter**]** first, annually, each pharmaceutical marketing firm shall provide the commissioner

with the following information regarding the performance for the previous calendar year of each of its pharmaceutical representatives, **[**identified to the department pursuant to subsection (c) of this section at any time during the previous calendar year,**]** in a form and manner prescribed by the commissioner:

(1) The aggregate number of contacts such pharmaceutical representative had with prescribing practitioners and pharmacists;

(2) The specialty of such prescribing practitioner and each pharmacist with whom such pharmaceutical representative made contact;

(3) Whether product samples, materials or gifts of any value were provided to a prescribing practitioner or such practitioner's staff in a prescribing practitioner's office or to a pharmacist; and

(4) An aggregate report of all free samples, by drug name and strength, in a form and manner prescribed by the commissioner.

(g) The department shall annually compile a report on the activities of pharmaceutical marketing firms in the state. Not later than December **[**31, 2024, and annually thereafter**]** thirty-first, annually, the department shall post such report on its Internet web site and submit such report to the Secretary of the Office of Policy and Management.

Sec. 2. (NEW) (*Effective from passage*) (a) Notwithstanding the provisions of section 20-14e of the general statutes, a veterinarian licensed in accordance with the provisions of chapter 384 of the general statutes may authorize a person to dispense a prescription veterinary drug, provided:

(1) The prescription veterinary drug is dispensed (A) upon the lawful written or oral order of the veterinarian acting in the course of the veterinarian's professional practice, as required under Section 503(f) of the Federal Food, Drug and Cosmetic Act, as amended from time to time, (B) in accordance with all applicable state and federal laws and regulations concerning the dispensing of prescription veterinary drugs,

and (C) for an animal for which the veterinarian has access to the animal's medical records and has established a veterinarian-client-patient relationship; and

(2) The person is working under the direct supervision of a veterinarian described in subparagraph (C) of subdivision (1) of this subsection.

(b) A veterinarian who authorizes a person to dispense a prescription veterinary drug in accordance with the provisions of subsection (a) of this section shall be responsible for ensuring that all applicable requirements for dispensing such prescription veterinary drug are satisfied.

(c) The Commissioner of Public Health, in consultation with the Connecticut Board of Veterinary Medicine and the Commissioner of Consumer Protection, may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.

Sec. 3. Section 20-623 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No nonlegend drug may be sold at retail except at a pharmacy, at a store or in a vending machine that is owned and operated by a business that has obtained from the **[**commission or the**]** department a permit to sell nonlegend drugs pursuant to section 20-624, as amended by this act. Nonlegend drugs may be sold in a vending machine, which vending machine shall be owned and operated by a business that has obtained from the department a permit for each vending machine in which such business offers nonlegend drugs for sale. If an applicant seeks to locate two or more vending machines selling nonlegend drugs at a single premises, only one permit to sell nonlegend drugs shall be required. Any person who is not licensed as a pharmacy and wishes to sell nonlegend drugs in a vending machine shall apply to the department, in a form and manner prescribed by the commissioner, in

order to obtain a permit to sell nonlegend drugs. Nonlegend drugs shall be labeled and packaged in accordance with state and federal law.

(b) (1) A vending machine offering nonlegend drugs may also offer nonlegend devices or test strips intended for use by an individual to test for a particular substance prior to injection, inhalation or ingestion of the substance to prevent accidental overdose by injection, inhalation or ingestion of such substance. Each vending machine offering nonlegend drugs or nonlegend devices shall be individually registered with the department, and each application to register a vending machine offering nonlegend drugs or nonlegend devices shall designate an individual who shall be responsible for properly maintaining such vending machine.

(2) Each person who registers a vending machine pursuant to subdivision (1) of this subsection, and the individual designated as the individual responsible for properly maintaining the registered vending machine, shall ensure that such vending machine (A) maintains the proper temperature and humidity for each nonlegend drug offered in such vending machine as required by the original manufacturer of such nonlegend drug, (B) only contains nonlegend drugs and nonlegend devices that remain in the original containers provided by the manufacturers of such nonlegend drugs or nonlegend devices, (C) only offers nonlegend drugs and nonlegend devices that are unexpired and unadulterated, (D) only offers nonlegend drugs and nonlegend devices that are not subject to a recall, provided any nonlegend drug or nonlegend device that is the subject of a recall shall be promptly removed from such vending machine, (E) only contains nonlegend drugs and nonlegend devices, sundries and other nonperishable items, (F) has a clear and conspicuous written statement attached to such vending machine disclosing the name, address and toll-free telephone number of the owner and operator of such vending machine, (G) has a clear and conspicuous written statement attached to such vending machine advising a consumer to check the expiration date of a nonlegend drug or nonlegend device contained in such vending

machine before the consumer uses such nonlegend drug or nonlegend device, (H) has attached to such vending machine, in a size and prominent location visible to consumers, a written notice stating "Drug tampering or expired product? Notify the Department of Consumer Protection, Drug Control Division, by calling (telephone number of the toll-free telephone line established by the department pursuant to section 21a-2)", (I) does not offer any nonlegend drug or nonlegend device that requires age verification, is subject to any quantity limit or is subject to any sales restriction under state or federal law, and (J) does not contain any package of a nonlegend drug that contains more than a five-day supply of the nonlegend drug as determined according to the usage directions provided by the manufacturer of such nonlegend drug.

(c) Notwithstanding the provisions of this section, no person who solely distributes nonlegend naloxone to the public through a secure box, without compensation or consideration, shall be required to obtain a permit to sell nonlegend drugs pursuant to section 20-624, as amended by this act, provided the secure box satisfies the requirements established in section 21a-286, as amended by this act. As used in this subsection, "secure box" has the same meaning as provided in section 21a-286, as amended by this act.

[(c)**]** (d) Any person who violates any provision of this section shall be fined not more than one thousand dollars per violation.

Sec. 4. Section 20-624 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person may apply to the **[**commission**]** department, in a form and manner prescribed by the commissioner, for a permit to sell nonlegend drugs.

(b) (1) The **[**commission**]** department may, in accordance with regulations adopted under sections 20-570 to 20-630, inclusive, in accordance with chapter 54, and on payment of the fee required in section 20-601, issue to an applicant a permit to sell nonlegend drugs for

one year.

(2) Notwithstanding subdivision (1) of this subsection, an applicant for a permit to sell nonlegend drugs shall not be required to pay any permit application or renewal fee required in section 20-601 if, as part of the applicant's application, the applicant attests that the applicant shall utilize such permit solely to distribute nonlegend drugs without compensation or consideration.

(c) A permit that has expired under this section may be renewed, on application and payment of the renewal fee and any late fee required in section 20-601 or 21a-4.

(d) The holder of a permit to sell nonlegend drugs shall **[**notify the commission**]** electronically submit to the department, in a form and manner prescribed by the commissioner, notification of a change of ownership, name or location of the **[**permit premises**]** permanent physical location. Any holder who fails to notify the **[**commission**]** department of such change within five days of the change shall pay the late fee required in section 20-601.

[(e) Any nonlegend drug permit issued by the commission pursuant to this section is nontransferable.**]**

Sec. 5. Section 21a-286 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section:

(1) "Commissioner" means the Commissioner of Consumer Protection;

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

(3) "Host agency" means a community health organization, emergency medical service provider, government agency, law enforcement agency or local or regional board of education;

(4) "Opioid antagonist" has the same meaning set forth in section 17a-714a;

(5) "Prescribing practitioner" has the same meaning set forth in section 20-14c;

(6) "Pharmacist" has the same meaning set forth in section 20-609a;

(7) "Secure box" means a container that (A) is securely affixed in a public location, (B) can be accessed by individuals for public use, **[**(C) is temperature controlled or stored in an environment with temperature controls, (D) is tamper-resistant, (E) is equipped with an alarm capable of detecting and transmitting a signal when accessed by individuals, and (F) is equipped with an alarm capable of alerting first responders when accessed by individuals, unless equipping the container with such an alarm is commercially impracticable**]** and (C) displays any signage required by the department pursuant to subsection (g) of this section;

(8) "Secured machine" means a device that (A) restricts access to individuals participating in a syringe services program by utilizing a designated access number, personalized magnetic strip card or any other technology to identify such individuals for the purpose of providing access, and (B) is registered with the department in a form and manner prescribed by the commissioner; and

(9) "Syringe services program" means a program that is (A) established or authorized pursuant to section 19a-124, and (B) approved by the department under section 21a-65.

(b) A prescribing practitioner, or a pharmacist who is certified to prescribe an opioid antagonist pursuant to section 20-633c, may enter into an agreement with a host agency related to the distribution and administration of an opioid antagonist for the reversal of an opioid overdose. The prescribing practitioner or pharmacist shall provide training to persons who will distribute or administer the opioid antagonist pursuant to the terms of the agreement. Persons other than the prescribing practitioner or pharmacist shall receive training in the

distribution or administration of opioid antagonists prior to distributing or administering an opioid antagonist. The agreement shall address the storage, handling, labeling, recalls and recordkeeping of opioid antagonists by the host agency that is party to the agreement.

(c) (1) A prescribing practitioner, or a pharmacist who is certified to prescribe an opioid antagonist pursuant to section 20-633c, may enter into an agreement with a host agency to provide an intranasally or orally administered opioid antagonist, or permit a host agency to install on the host agency's premises a secure box containing an intranasally or orally administered opioid antagonist. The agreement shall address the environmental controls necessary to store such opioid antagonist, establish procedures for replenishment of such opioid antagonist, establish a process for monitoring the expiration dates of such opioid antagonist and disposing of any expired opioid antagonist, and require that signs be posted disclosing the presence of such opioid antagonist, and usage directions for such opioid antagonist, in the language or languages spoken in the community in which the secure box is installed. The secure box shall not contain an amount of the opioid antagonist that is greater than the amount necessary to serve the community in which such secure box is installed. If the host agency is unable to maintain the secure box, or the supplies necessary to maintain the secure box are unavailable, such host agency shall remove such secure box, and all signs required under this subdivision concerning such secure box, as soon as practicable but in no event later than five days after such host agency discovers that such host agency is unable to maintain such secure box or the supplies necessary to maintain such secure box.

(2) A prescribing practitioner, or a pharmacist who is certified to prescribe an opioid antagonist pursuant to section 20-633c, may enter into an agreement with a host agency to operate a vending machine for the purpose of distributing an opioid antagonist for nasal administration. The vending machine shall be in a location that maintains a temperature that is at all times consistent with the manufacturer's package insert for the opioid antagonist, or have the

ability to maintain an environment, independent of the external environment, that is appropriate for the opioid antagonist based on such package insert. The following shall be clearly and conspicuously displayed on the outside of the vending machine, adjacent to the vending machine or upon distribution of an opioid antagonist contained in such vending machine: (A) Information concerning the signs and symptoms of an overdose; (B) instructions for the use of the opioid antagonist; (C) information about the services that are offered in this state to treat opioid use disorder; and (D) an Internet web site address that contains, or a quick response code that directs an individual to an Internet web site that contains, information concerning the signs and symptoms of an overdose, overdose response and instructions for the use of the opioid antagonist.

(3) Nothing in subdivision (1) or (2) of this subsection shall be construed to prohibit placement of an opioid antagonist in a container that also includes an automated external defibrillator or any other product used to treat a medical emergency.

(d) A prescribing practitioner, or a pharmacist who is certified to prescribe an opioid antagonist pursuant to section 20-633c, may enter into an agreement with a syringe services program to permit the syringe services program to include an opioid antagonist in such syringe services program's secured machine. The agreement shall address the environmental controls necessary to store such opioid antagonist, establish procedures for replenishment of such opioid antagonist, establish a process for monitoring the expiration dates of such opioid antagonist and disposing of any expired opioid antagonist, and require that signs be posted disclosing the presence of such opioid antagonist, and usage directions for such opioid antagonist, in the language or languages spoken in the community in which such secured machine is installed.

(e) Nothing in this section shall be construed to prevent a secured machine from distributing a test strip intended for use by an individual prior to injection, inhalation or ingestion of a particular substance to

prevent accidental overdose by injection, inhalation or ingestion of such substance.

(f) A prescribing practitioner or pharmacist who enters into an agreement pursuant to subsection (b), (c) or (d) of this section shall not be liable for damages in a civil action or subject to administrative or criminal prosecution for the administration or dispensing of an opioid antagonist by the host agency who is a party to such agreement.

(g) Each secure box shall display such signage as the department, in the department's discretion, deems necessary or appropriate for the purposes of this section and posts on the department's Internet web site.

[(g)**]** (h) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	21a-70i
Sec. 2	*from passage*	New section
Sec. 3	*from passage*	20-623
Sec. 4	*from passage*	20-624
Sec. 5	*from passage*	21a-286