

# SENATE NO. 1250

## AN ACT RELATIVE TO DRUG SAMPLES

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

- 1 SECTION 1. Chapter 112 of the General Laws as appearing in the 2002 Official Edition is  
2 hereby amended by inserting after section 12D, the following section:-  
3 Section 12DD. As used in this section, the following words shall, unless the context clearly  
4 requires otherwise, have the following meanings:-  
5 "Complimentary starter dose", a prescription packaged, dispensed and distributed in accordance  
6 with state and federal law that is provided to a dispensing prescriber free of charge by a  
7 manufacturer or distributor and dispensed free of charge by the dispensing prescriber to his or  
8 her patients.  
9 "Department", the department of public health.  
10 "Dispensing prescriber", any individual licensed to prescribe or dispense prescription drugs in  
11 this state.  
12 (a) A dispensing prescriber who dispenses a complimentary starter dose drug to a patient shall  
13 give the patient at least all of the following information, either by dispensing the complimentary  
14 starter dose drug to the patient in a container that bears a label containing the information or by  
15 giving the patient a written document which may included, but is not limited to, a preprinted

16 insert that comes with the complimentary starter dose drugs, that contains the following  
17 information:

- 18 1. the name and strength of the complimentary starter dose drug;
- 19 2. directions for the patient's use of the complimentary starter dose drug;
- 20 3. the expiration date of the complimentary starter dose drug or a statement as determined  
21 by the department.

22 (b) The information required under subsection (a) is in addition to, and does not supercede or  
23 modify, other state or federal law regulating the labeling of prescription drugs.

24 (c) A supervising physician may delegate in writing to a pharmacist practicing in a hospital  
25 pharmacy within a hospital licensed by the department, the receipt of complimentary starter  
26 dose drugs other than controlled substances as defined by Chapter 94C or federal law. When  
27 the delegated receipt of complimentary starter dose drugs occurs, both the pharmacist's name  
28 and the supervising physician's name shall be used, recorded, or otherwise indicated in  
29 connection with each receipt. A pharmacist described in this subsection may dispense a  
30 prescription for complimentary starter dose drugs written or transmitted by other means of  
31 communication by a prescriber.

32 (d) A person who distributes complimentary starter doses to prescribers shall maintain records  
33 that include at least all of the following information:

- 34 1. the name and address of the manufacturer distributing the complimentary starter doses;
- 35 2. the name and address of each prescriber to whom complimentary starter doses were  
36 distributed;
- 37 3. the type and amount of complimentary starter doses distributed to each prescriber.

38 (e) Upon request by the department, a person who distributes complimentary starter doses to  
39 prescribers shall provide the department access to the records required under section (d) and the  
40 department may periodically inspect locations from which complimentary starter dose drugs are  
41 dispensed.

42 (f) The department shall promulgate rules and regulations to enforce this act.