

JOURNAL OF THE HOUSE.

Wednesday, October 2, 2013.

Met according to adjournment at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

Ashland,—
election.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the results of the annual town meeting of the town of Ashland held on May 2, 2012 (House, No. 3675), was filed in the office of the Clerk on Tuesday, October 13.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Annual Report.

Biologic
Laboratories.

The annual report of the Director of the Biologic Laboratories (under section 43(f) of Chapter 75 of the General Laws) relative to the activities of the Biologic Laboratories for the fiscal year 2013, was placed on file.

Petitions.

Cambridge,—
creditable
service.

Mr. Toomey of Cambridge presented a petition (accompanied by bill, House, No. 3678) of Timothy J. Toomey, Jr., and others (with the approval of the mayor and city council) that the retirement board of the city of Cambridge be authorized to grant certain creditable services allowances; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Janet
Soboleski,—
sick leave.

Representative Gobi of Spencer and Senator Brewer presented a joint petition (subject to Joint Rule 12) of Anne M. Gobi, Stephen M. Brewer and Peter J. Durant for legislation to establish a sick leave bank for Janet Soboleski, an employee of the Department of Mental Health; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Gobi, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Motor vehicle
infractions,—
appeals.

By Mr. Heroux of Attleboro, a petition (subject to Joint Rule 12) of Paul R. Heroux and others relative to filing fees for appeals of civil motor vehicle infractions.

By Mr. Petrolati of Ludlow, a petition (subject to Joint Rule 12) of Thomas M. Petrolati for legislation to establish a sick leave bank for Maritza Miranda, an employee of the Department of Children and Families. Severally, under Rule 24, to the committee on Rules.

Maritza Miranda,—
sick leave.

Papers from the Senate.

Bills

Exempting certain positions in the town of Millbury from the civil service law (Senate, No. 1791) [Local Approval Received]; and

Millbury,—
civil service.

Authorizing the town of Petersham to borrow outside the debt limit for a certain town project (Senate, No. 1844) [Local Approval Received];

Petersham,—
debt limit.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petitions severally were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 1873) of Michael O. Moore for legislation relative to transparency in private utility construction contracts. To the committee on Telecommunications, Utilities and Energy.

Construction
contracts.

Petition (accompanied by bill, Senate, No. 1874) of Stephen M. Brewer and Anne M. Gobi for legislation to designate a certain bridge in the town of Barre as the Barre American Legion bridge. To the committee on Transportation.

Barre,—
bridge.

The following notice was received from the Clerk of the Senate, to wit:—

October 1, 2013.

Honorable Robert A. DeLeo
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Bruce E. Tarr, Senate Minority Leader, has announced the following appointments to Joint Standing Committees and Senate Standing Committees [upon the resignation of Senator Knapik]:

Changes in
committees.

Senator Bruce E. Tarr – Senate Committee on Ethics and Rules; Senate Committee on Ways and Means; Senate Committee on Bonding, Capital Expenditures and State Assets; Joint Committee on Telecommunications, Utilities and Energy; Joint Committee on Veterans and Federal Affairs.

Senator Richard J. Ross – Ranking Member, Senate Committee on Ways and Means Committee; Joint Committee on Consumer Protection and Professional Licensure; Joint Committee on Public Service.

Senator Robert L. Hedlund – Joint Committee on Tourism, Arts and Cultural Development; Joint Committee on Revenue.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

Hospital
disposition
fund,—
establish.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2839) of Kay Khan and others for legislation to create a hospital disposition fund from the proceeds of sales of state hospitals and the crediting of such proceeds to accounts of the Department of Mental Health and the Department of Developmental Services,— and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Naturopathy,—
board.

By Mr. Sánchez of Boston, for the committee on Public Health, on Senate, No. 1091 and House, No. 2003, a Bill establishing a board of registration in naturopathy (House, No. 3674). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Medford,—
land.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, No. 3651, a Bill conveying a certain parcel of land to the city of Medford for municipal use (House, No. 3676). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following House bills be scheduled for consideration by the House:

Mary Ford,—
sick leave.

Establishing a sick leave bank for Mary Ford, an employee of the department of corrections (House, No. 3620); and

Katherine
Swearingen,—
sick leave.

Establishing a sick leave bank for Katherine Swearingen, an employee of the Department of Developmental Services (House, No. 3660);

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills were read a second time forthwith; and they were ordered to a third reading.

Engrossed Bill.

Bill
enacted.

The engrossed Bill providing for recall elections in the town of Middlefield (see House, No. 3495, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At five minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at three minutes after one o'clock, the House was called to order with Mr. Donato in the Chair.

Engrossed Bill — Land Taking.

Hingham,—
land.

The engrossed Bill authorizing the town of Hingham to change the use of certain parcels of land in the town (see House, No. 3411) (which

originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 228.

[See Yea and Nay No. 228 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Motion to Discharge a Certain Matter
in the Orders of the Day.*

The House Bill relative to pharmacy practice in the Commonwealth (House, No. 3672), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position on the Calendar and read a third time, under suspension of Rule 47, on motion of Mr. Sánchez of Boston.

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practice.

After debate on the question on passing the bill to be engrossed, the same member moved to amend it in section 2, in lines 38, 39 and 40, by striking out the following: “compounding sterile drug preparations, as defined in section 39D of chapter 112, and shall be engaged in compounding sterile drug preparations” and inserting in place thereof the following: “sterile compounding, as defined in section 39D of chapter 112, and shall be engaged in sterile compounding”, and, in lines 53 to 76, inclusive, by striking out the text contained in those lines and inserting in place thereof the following:

“(l) Board members shall be appointed and shall serve for a term of 3 years from the first of the month following appointment. No member may serve more than 2 consecutive terms on the board. Members who have served the maximum number of consecutive terms shall be eligible for reappointment after not serving for at least 1 term.

(m) Board members may be removed by the governor, only for reasonable cause of neglect of duty, misconduct, malfeasance or misfeasance in office. Prior to removal, such member shall be given written notice of the basis for removal and be afforded a hearing before the governor or designee. Such member may appear at the hearing with witnesses and be represented by counsel. The hearing shall be held within 21 days of the notice.

(n) Chapters 268A and 268B shall apply to the members of the board; provided, however, that the board shall establish a code of ethics for all members and employees that shall be more restrictive than said chapters 268A and 268B. A copy of the code shall be filed with the state ethics commission. The code shall include provisions reasonably necessary to carry out the purposes of this section and any other laws pertaining to the jurisdiction of the board including, but not limited to: (i) requiring the disclosure of any gifts received by board members by any person or entity subject to the jurisdiction of the board; (ii) prohibiting the participation by board members in a particular matter as defined in section 1 of said chapter 268A that affects the

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practice.

financial interest of a relative within the third degree of consanguinity or a person with whom such board member has a significant relationship as defined in the code; and (iii) providing for recusal of a board member in a licensing decision due to a potential conflict of interest.”; and

In section 18, in lines 265 to 282, inclusive, by striking out the text contained in those lines and inserting in place thereof the following:

“(e) If a sterile compounding pharmacy believes that a compounded sterile drug preparation dispensed or distributed by the pharmacy is or may be defective in any way, the pharmacy shall immediately recall the compounded sterile drug preparation. Any of the same preparation remaining in the possession of the pharmacy shall be located and segregated, and shall not be distributed or dispensed. A defective compounded sterile drug preparation log documenting the recalled compounded sterile drug preparation shall be kept by the pharmacy including information on:

- (1) the preparation name, potency and dosage form;
- (2) the reason for the recall;
- (3) the amount of the preparation made;
- (4) the date that the preparation was made;
- (5) the amount of the preparation dispensed or distributed;
- (6) the actual preparation potency and dosage form; and
- (7) any and all serious adverse drug events related to the drug in question.

The defective compounded sterile drug preparation log shall be made available to the board within 7 days of the recall, and shall be kept on record for at least 2 years. Upon submission of the defective compounded sterile drug preparation log to the board, the pharmacy shall work with the board to develop a corrective action plan that rectifies the error which resulted in the defective compounded sterile drug preparation.”; and, in line 383, by striking out the words “manager of record” and inserting in place thereof the following words “designated pharmacist in charge”;

In section 20, in line 466, by inserting after the word “concerns.” the following sentence: “In developing the licensure and reporting requirements for sterile compounding pharmacies, the advisory committee shall further evaluate and may make recommendations on an annual basis to the board that take into consideration the application of all pertinent federal statutory and regulatory criteria.”.

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Sánchez of Boston; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 229 in Supplement.]

Therefore the bill (House, No. 3672, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

The Senate Bill establishing the Worcester county commission on the status of women (Senate, No. 927), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 229.

Third
reading
bill.

The House Bill relative to the town manager in the town of Cohasset (House, No. 3486), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third reading bill.

The House Bill authorizing alternate members on local historical commissions (House, No. 1871), was read a third time.

Third reading bill amended.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 3679), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill extending the environmental joint powers agreement that created the A-B-C Stormwater Flooding Board (Senate, No. 1857); and

Second reading bills.

House bills

Relative to sales and excise tax exemptions for disabled veterans (House, No. 2617); and

Allowing disabled veterans and prisoners of war who lease motor vehicles to be exempt from excise tax (House, No. 3645);

Several were read a second time; and they were ordered to a third reading.

The Senate Resolve providing for an investigation and study by a special commission relative to the need for accessible homes for the elderly, returning veterans with disabilities and families that include persons with disabilities (Senate, No. 1787), was read a second time; and it was referred, under Rule 33, to the committee on Ways and Means.

Accessible homes.

The House Bill relative to potluck dinners (House, No. 1997) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Potluck dinners.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved that the bill be amended by substitution of a bill with the same title (House, No. 3680), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered. That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at seven minutes after three o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.