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COMPOUNDING OF HAND SANITIZER FOR DONATION TO MASSACHUSETTS HEALTHCARE PROVIDERS

On March 10, 2020, Governor Charles D. Baker issued a declaration that a public health emergency exists in the Commonwealth due to the outbreak of the 2019 novel COVID-19 ("COVID-19"). On March 11, 2020, in view of the grave threat that the spread of COVID-19 presents to the public health, the Public Health Council authorized and directed me to act pursuant to G.L. c. 17, s. 2A and to take all appropriate actions, incur such liabilities, and establish such rules, requirements, and procedures necessary to prepare for, respond to, and mitigate the spread of COVID-19 in order to protect the health and welfare of the people of the Commonwealth.

As if March 23, 2020, 777 cases of COVID-19 were reported by the Department of Public Health, within all 14 counties in the Commonwealth impacted, and all indications that the number of cases continues to grow. The escalating COVID-19 public health emergency has begun to and will continue to produce an extraordinary demand on the Commonwealth's healthcare system. Addressing this exceptional demand will require increasingly more limited access to critical healthcare supplies.

Accordingly, in view of the need to ensure necessary and sufficient access to critical healthcare supplies to respond to the COVID-19 virus, pursuant to the authority granted by G.L. c. 17, s. 2A and with the approval of the Governor and the Public Health Council, and in order to assure the maintenance of public health during the continuing public health emergency, I issue the following Order:

1. Massachusetts Marijuana Product Manufacturers and Medical Marijuana Treatment Centers licensed by the Massachusetts Cannabis Control Commission pursuant to M.G.L. c. 94G, s. 5 may perform non-sterile compounding of alcohol-based hand sanitizers; provided, that such production complies with labeling and beyond use dates of USP <795>. Specific patient information is not required on the label for compounded OTC hand sanitizer.

2. Such compounded alcohol-based hand sanitizers shall be exclusively donated for use by Massachusetts acute care hospitals, other licensed providers, and other entities or individuals deemed appropriate by the Massachusetts Emergency Management Agency or the Department of Public Health.

All applicable statutes, regulations and guidance not inconsistent with this Order remain in effect.

This Order shall be effective immediately and shall remain in effect until the State of Emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.

IT IS SO ORDERED

Monica Bharel, MD, MPH
Commissioner,
Massachusetts Department of Public Health

March 23, 2020