

**HOUSE . . . . . No. 1080**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to manufacturers coupons and rebates..

*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. Section 41 of chapter 118E of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by deleting line 21 and inserting in its place the following: --  
3           in the provision of covered items or services, or to a discount, rebate or other reduction in  
4 price on a prescription drug or a limited time free supply of a prescription drug that is made  
5 available to an individual, if such is provided directly or electronically by a health provider to the  
6 individual or through a so-called “point of sale” or “mail-in” coupon rebate, or through similar  
7 means. This section does not negate the need for a written prescription as otherwise required by  
8 law.

9           For purposes of the federal Health Insurance Portability and Accountability Act  
10 of 1996 and regulations issued thereunder, nothing in this section shall be deemed to require or  
11 allow the use or disclosure of health information in any manner that does not otherwise comply  
12 with such Act or such regulations.

13           SECTION 2. Section 3 of chapter 175H of the General Laws, as appearing in the 2006  
14 Official Edition, is hereby amended by inserting at the end thereof the following two paragraphs:  
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16                       This section shall not apply to a discount, rebate or other reduction in price on a  
17 prescription drug or a limited time free supply of a prescription drug that is made available to an  
18 individual, if such is provided directly or electronically by a health provider to the individual or  
19 through a so-called “point of sale” or “mail-in” coupon rebate, or through similar means;  
20 provided, however, that this section does not negate the need for a written prescription as  
21 otherwise required by law, nor is it intended to constrain a carrier or a health maintenance  
22 organization, as those terms are defined in chapter 118G, with regard to how its plan design will  
23 treat such discounts, rebates or coupons.

24                       For purposes of the federal Health Insurance Portability and Accountability Act  
25 of 1996 and regulations issued thereunder, nothing in this section shall be deemed to require or  
26 allow the use or disclosure of health information in any manner that does not otherwise comply  
27 with such Act or such regulations.