

HOUSE No. 2151

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to prescription assistance programs..

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 2004
2 Official Edition, is hereby amended by inserting at the end thereof the following two paragraphs:
3 --

4 This section shall not apply to valid pharmaceutical assistance programs sponsored by
5 manufacturers, pharmacy benefit managers, insurers, nonprofit organizations or others that offer
6 to uninsured and under-insured individuals with a valid written prescription, free, low-cost
7 prescription drugs, or co-payment assistance based on their ability to pay.

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

12 SECTION 2. Section 3 of chapter 175H of the General Laws, as appearing in the 2004
13 Official Edition, is hereby amended by inserting at the end thereof the following two paragraphs:

14 --

15 This section shall not apply to valid pharmaceutical assistance programs sponsored by
16 manufacturers, pharmacy benefit managers, insurers, nonprofit organizations or others that offer
17 to uninsured and under-insured individuals with a valid written prescription, free, low-cost
18 prescription drugs, or co-payment assistance based on their ability to pay.

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