# SENATE . . . . . . . . . . . . . . . No. 543

## The Commonwealth of Massachusetts

PRESENTED BY:

### *Richard T. Moore*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ensure the privacy of patient prescription records.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Richard T. Moore* | *Worcester and Norfolk* |
| *Mark C. Montigny* | *Second Bristol and Plymouth* |

# SENATE . . . . . . . . . . . . . . . No. 543

By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 543) of Richard T. Moore and Mark C. Montigny for legislation to ensure the privacy of patient prescription records. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2240* OF 2011-2012.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Thirteen**

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An Act to ensure the privacy of patient prescription records.

*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 2010 Official Edition,
2  is hereby amended by inserting at the end of section 24, the following paragraph:-

3    Pharmacists licensed in the Commonwealth, and pharmacies operating in the
4  Commonwealth, and all other persons who control, own, license, use or share pharmacy records
5  shall protect the privacy and confidentiality of provider-identifiable prescription information as if
6  such information constituted "protected health information" within the meaning of the federal
7  Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule (45 CFR Parts 160
8  & 164). Each violation of this provision shall carry a fine of $1,000 per affected record. Suit to
9  enforce this provision may be brought by the Attorney General or by any affected patient or
10  provider. This provision is a state expansion of medical privacy rights, as permitted by Section
11  264(c)(2) of HIPAA (Public Law 104-191).