HOUSE DOCKET, NO. 4097 FILED ON: 6/29/2017

HOUSE . . . . . No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Finn

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 relative to consumer protection for prescription drug purchases.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michael J. Finn	*6th Hampden*	*6/29/2017*
James T. Welch	*Hampden*	*6/30/2017*

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HOUSE . . . . . No.

By Mr. Finn of West Springfield, a petition (subject to Joint Rule 12) of Michael J. Finn and James T. Welch relative to prescription drug purchases under the insurance laws of the Commonwealth. Financial Services.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to consumer protection for prescription drug purchases.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1: Chapter 175 of the General Laws is hereby amended by adding after Section 26, the following new section: -

Section 26A.

(a) For the purpose of this section, the following terms shall have the following meanings:

"Registered Pharmacist", a pharmacist who, pursuant to the provisions of M.G.L. c. 112, § 24, holds a valid certificate of registration issued by the board of registration in pharmacy.

"Cost-sharing", amounts owed by the consumer under the terms of their health benefit plan, as defined in section 1 of chapter 176O, or as required by a pharmacy benefit manager, as defined in section 226 subsection (a).

"Pharmacy retail price", the amount an individual would pay for a prescription medication if the individual purchased that prescription medication at that pharmacy without using a health benefit plan, as defined in section 1 of chapter 176O, or any other source of prescription medication benefits or discounts.

(b) A pharmacy shall post a notice to consumers informing them that at the point of sale they may request the current pharmacy retail price for each prescription medication the consumer intends to purchase.

(c) If a pharmacist, or person acting at the direction of a pharmacist, determines that the cost-sharing for a prescription medication exceeds the current pharmacy retail price, they shall notify the customer of the pharmacy retail price and the difference between it and the consumer's cost-sharing.

(d) A pharmacist shall, absent the direction of the customer to the contrary, charge a customer the applicable cost-sharing or the current pharmacy retail price for that prescription medication, whichever is less.

(e) No contractual obligation shall prohibit a pharmacist from complying with the provisions of this section.

(f) Any contractual obligation or general business practice that violates the provisions of this section shall be an unfair deceptive act or practice in violation of section 2 of chapter 93A.

(f) No pharmacist shall be penalized by the board of registration in pharmacy or any third party for failure to comply with the provisions of this Section.