

SENATE No. 2108

The Commonwealth of Massachusetts

PRESENTED BY:

James T. Welch

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:

James T. Welch

Hampden

Michael J. Finn

6th Hampden

SENATE No. 2108

By Mr. Welch, a petition (accompanied by bill, Senate, No. 2108) (subject to Joint Rule 12) of James T. Welch and Michael J. Finn for legislation relative to consumer protection for prescription drug purchases. Health Care Financing.

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:

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

3 Section 26A.

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

6 “Registered Pharmacist”, a pharmacist who, pursuant to the provisions of M.G.L. c. 112,
7 § 24, holds a valid certificate of registration issued by the board of registration in pharmacy.

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

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

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

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

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

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

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

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