

HOUSE No. 1013

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 pharmaceutical gag clauses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/17/2019</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/24/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/17/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/17/2019</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>1/30/2019</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>1/31/2019</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/28/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/30/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/30/2019</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>1/31/2019</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>1/31/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/1/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/1/2019</i>

HOUSE No. 1013

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1013) of Bradley H. Jones, Jr., and others relative to contracts for pharmacy services between health insurance carriers or pharmacy benefits' managers and pharmacies or pharmacists. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to pharmaceutical gag clauses.

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

1 Notwithstanding any general or special law to the contrary, no contract for pharmacy
2 services between a health insurance carrier or pharmacy benefits manager and a pharmacy or
3 pharmacist shall contain a provision prohibiting or penalizing a pharmacist’s disclosure to an
4 insured individual purchasing a covered prescription medication of information regarding (i) the
5 cost of the prescription medication to the individual, and (ii) the availability of any equivalent
6 medication or alternative methods of purchasing the prescription medication, including, but not
7 limited to, paying a cash price, which may be less expensive than the cost of the prescription
8 medication to the individual.

9 No health insurance carrier or pharmacy benefits manager shall require an individual to
10 make a payment at the point of sale for a covered prescription medication in an amount greater
11 than the amount an individual would pay for the prescription medication if the individual
12 purchased the prescription medication without using a health insurance plan.