

HOUSE No. 4017

Section 47 contained in the engrossed Bill making appropriations for the fiscal year 2020 (see House, No. 4000), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment C of House, No. 4014). July 31, 2019.

The Commonwealth of Massachusetts

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

An Act relative to hospital access to discounted prescription drug prices.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide hospitals with better access to discounted prescription drug prices, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Said chapter 118E is hereby further amended by inserting after section 13K
2 the following section:-

3 Section 13L. The secretary of health and human services, hereinafter “the secretary”,
4 shall not restrict or limit an eligible hospital’s access to the discounted purchase of prescription
5 drugs to the full extent permitted under section 340B of the Public Health Service Act, as
6 codified under 42 U.S.C. 256b unless the secretary provides the following not less than 270 days
7 before the proposed effective date of the limitation or restriction: (i) notice to eligible hospitals
8 of the proposed restriction or limitation; and (ii) a report with the joint committee on health care
9 financing and the senate and house committees on ways and means detailing: (A) the proposed

10 restriction or limitation; (B) the anticipated aggregate savings to the commonwealth; (C) the
11 estimated fiscal impact of the restriction or limitation on each affected hospital; and (D) the
12 manner in which the secretary plans to mitigate the fiscal impact, which may include measures to
13 maintain savings already achieved by providers under said 42 U.S.C. 256b.

14 SECTION 2. This act shall take effect as of July 1, 2019.