

SENATE No. 1701

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 eliminate the tax deduction for direct-to-consumer pharmaceutical marketing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/7/2019</i>

SENATE No. 1701

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1701) of Jason M. Lewis and Michael J. Barrett for legislation to eliminate the tax deduction for direct-to-consumer pharmaceutical marketing. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1558 OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act to eliminate the tax deduction for direct-to-consumer pharmaceutical marketing.

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. Section 1 of chapter 63 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking items (e) and (f) under the definition of “net
3 income” and inserting in place thereof the following:-

4 (e) the deduction allowed by section 199 of the Code;

5 (f) the deduction described in section 163(e)(5) of the Code, to the extent increased by
6 amendments to section 163(e)(5)(F) and section 163(i)(1) of the Code, inserted by section 1232
7 of the American Recovery and Reinvestment Act of 2009; or

8 (g) the deduction described in section 162(a) of the Code, to the extent that this deduction
9 applies to direct consumer advertising of prescription drugs, which shall include all direct and

10 indirect costs incurred or paid relating to advertising prescription drugs and devices to patients in
11 Massachusetts, including media advertising, coupons, outreach and persistency programs, and
12 any other forms of marketing or advertising directed to persons other than licensed prescribers.
13 For amounts paid or incurred in national or regional programs, the amount disallowed shall be
14 the ratable share of expenses directed to Massachusetts residents.