

HOUSE No. 1123

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>2/8/2021</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/25/2021</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>3/11/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/18/2021</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>3/22/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>3/25/2021</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>3/31/2021</i>

HOUSE No. 1123

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1123) 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-Second General Court
(2021-2022)**

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

9 SECTION 2. No health insurance carrier or pharmacy benefits manager shall require an
10 individual to make a payment at the point of sale for a covered prescription medication in an
11 amount greater than the amount an individual would pay for the prescription medication if the
12 individual purchased the prescription medication without using a health insurance plan.