

**SENATE . . . . . No. 728**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Bruce E. Tarr*

*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:                |                  |
|----------------------|----------------------------------|------------------|
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> |                  |
| <i>Hannah Kane</i>   | <i>11th Worcester</i>            | <i>3/16/2021</i> |

**SENATE . . . . . No. 728**

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 728) of Bruce E. Tarr and Hannah Kane for legislation relative to pharmaceutical "gag clauses". Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 652 OF 2019-2020.]

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           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           (b) No health insurance carrier or pharmacy benefits manager shall require an individual  
10 to 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.