

**SENATE . . . . . No. 714**

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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:

*Bruce E. Tarr*

DISTRICT/ADDRESS:

*First Essex and Middlesex*

**SENATE . . . . . No. 714**

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 714) of Bruce E. Tarr 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-Third General Court  
(2023-2024)**  
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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           (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.