

SENATE No. 778

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 bring down the cost of prescription drugs.

PETITION OF:

NAME:

Paul W. Mark

DISTRICT/ADDRESS:

*Berkshire, Hampden, Franklin and
Hampshire*

SENATE No. 778

By Mr. Mark, a petition (accompanied by bill, Senate, No. 778) of Paul W. Mark for legislation to bring down the cost of prescription drugs. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 786 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to bring down the cost of prescription drugs.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to determine the feasibility of state-directed manufacture of certain prescription drugs, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

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, the health policy commission
2 shall conduct a study examining the feasibility of establishing a program for the commonwealth
3 to direct the manufacture of generic or biosimilar prescription drugs.

4 The study shall analyze whether the creation of a state-directed prescription drug
5 manufacturing program would have the intended result of increasing competition, lowering
6 prices, and addressing shortages in the market for prescription drugs; reducing the cost of
7 prescription drugs for public and private purchasers, taxpayers, and consumers; and increasing

8 patient access to affordable drugs. The study shall examine the factors that most greatly
9 contribute to drug costs in the commonwealth, the ways in which the cost of generic prescription
10 drugs factors into MassHealth spending and healthcare costs across the Massachusetts healthcare
11 system, and whether establishing a state-directed prescription drug manufacturing program
12 related to generic or biosimilar drugs would be reasonable and effective at reducing drug prices
13 and the cost of healthcare to patients and payors in Massachusetts including, but not limited to:
14 (i) factors that contribute towards the increase of prescription drug prices for older, off-patent, or
15 generic drugs; (ii) identifying generic prescription drugs that comprise the greatest proportion or
16 a disproportionate amount of generic prescription drug spending; (iii) identifying generic
17 prescription drugs that comprise the greatest proportion or a disproportionate amount of generic
18 prescription drug price increases; (iv) the competitive landscape of generic and biosimilar drug
19 manufacturing and its effects on prescription drugs prices in Massachusetts; (v) the degree of
20 competition in regards to the generic prescription drugs that comprise the greatest degree or a
21 disproportionate amount of spending; and (vi) the potential impact on prescription drug costs and
22 healthcare costs by establishing a state-run program to direct the manufacture generic or
23 biosimilar prescription drugs.

24 The commission shall submit a report of its findings and recommendations to the
25 governor, speaker of the house, senate president, clerks of the house and senate, chairs of the
26 joint committee on ways and means and chairs of the joint committee on health care finance no
27 later than 1 year after the passage of this act. Recommendations of the report shall include, but
28 not be limited to: (i) a cost-benefit analysis of establishing a state-run program to direct the
29 manufacture generic prescription drugs; (ii) whether such a program would be sensible for the
30 commonwealth to establish; (iii) a plan for the establishment of such a program if believed to be

- 31 effective; (iv) the generic or biosimilar prescription drugs that would be most beneficial to
- 32 manufacture; and (v) any legislative recommendations.