HOUSE DOCKET, NO. 759 FILED ON: 1/13/2025

HOUSE . . . . . No. 1080

The Commonwealth of Massachusetts

PRESENTED BY:

Brian M. Ashe and Angelo J. Puppolo, 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 copay assistance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Brian M. Ashe	*2nd Hampden*	*1/13/2025*
Angelo J. Puppolo, Jr.	*12th Hampden*	*1/13/2025*

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HOUSE . . . . . No. 1080

By Representatives Ashe of Longmeadow and Puppolo of Springfield, a petition (accompanied by bill, House, No. 1080) of Brian M. Ashe and Angelo J. Puppolo, Jr., relative to copay assistance for certain branded drugs. Financial Services.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to copay assistance.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 175 is hereby amended by inserting after section 47ZZ, added by section 3 of chapter 231 of the acts of 2024, the following section:-

Section 47AAA. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Branded drug", a drug sold or marketed under a specific name or trademark.

"Equivalent drug", a drug that has been approved by the federal Food and Drug Administration as an AB rated generic therapeutic equivalent of a branded drug.

"FDA", the federal Food and Drug Administration.

(b) A policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within or without the commonwealth shall not discontinue or reduce its coverage of a branded drug because the FDA has approved an equivalent drug until such equivalent drug has

been available for use in the commonwealth for at least 3 calendar months, as determined by the department of public health.

(c) In making the determination that an equivalent drug is available for use in the commonwealth, the department of public health shall consider: (i) the number and geographic distribution of pharmacies that have the equivalent drug in stock; (ii) the supply level of the equivalent drug in the commonwealth and the incidence of the condition or illness for which the branded drug and equivalent drug are approved treatments; and (iii) any barriers patients may encounter to accessing the equivalent drug in the commonwealth.

(d) The department of public health may promulgate any regulations necessary to implement this section.