

HOUSE No. 774

The Commonwealth of Massachusetts

PRESENTED BY:

Michael P. Kushmerek

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 prescription medication transfer and availability.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>1/16/2025</i>

HOUSE No. 774

By Representative Kushmerek of Fitchburg, a petition (accompanied by bill, House, No. 774) of Michael P. Kushmerek relative to prescriptions. Elder Affairs.

The Commonwealth of Massachusetts

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

An Act relative to prescription medication transfer and availability.

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. Section 1 of chapter 94C of the General Laws, as most recently amended by
2 section 10 of chapter 186 of the acts of 2024, is hereby further amended by inserting after the
3 definition of “Bureau” the following definition:-

4 “Chain pharmacist”, as defined in subsection (d) of section 22 of chapter 13.

5 SECTION 2. Said chapter 94C is hereby amended by inserting after section 22 the
6 following section:-

7 Section 22A. A chain pharmacist may transfer a prescription to another pharmacy within
8 the same pharmacy chain if: (i) the prescription is for medication currently out of stock at the
9 original pharmacy; (ii) the transfer is for the same medication and dosage as prescribed on the
10 original prescription; (iii) the prescription is still valid and not expired; (iv) the pharmacy
11 receiving the transferred prescription has the medication in stock as of the time of transfer; (v)
12 the transfer of the prescription does not exceed the original quantity prescribed; and (vi) the

13 patient is informed of the transfer and consents to having their prescription filled at a different
14 pharmacy location within the same chain. A chain pharmacist may provide a 60-day or 90-day
15 extension for the prescription being transferred, if they deem such extension necessary.

16 SECTION 3. Section 17 of chapter 118E of the General Laws, as appearing in the 2022
17 Official Edition, is hereby amended by adding following paragraph:-

18 A recipient shall not be required to make any payment for a nongeneric drug that is
19 found, pursuant to this section, to be medically necessary or for which no substitution is
20 available.