

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

John Barrett, III

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 prohibiting certain insurance liens.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>1/8/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act prohibiting certain insurance liens.

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

1 Chapter 176D of the General Laws is hereby amended by inserting after section 3B, as
2 appearing in the 2022 Official Edition:-

3 Section 3C. (a) As used in this section, the term “insurer” means any: (1) insurance
4 company which provides for payment or reimbursement of health care expenses, health care
5 services, under a policy of insurance or an insurance contract with an individual or group,
6 including the group insurance commission; (2) operator of any medical service plan and hospital
7 service plan pursuant to chapter 176A, 176B or 176C; and (3) carriers and health maintenance
8 organizations as defined in chapter 176G.

9 (b) When an individual settles a claim, whether in litigation or otherwise, against another
10 for personal injuries, medical, dental or podiatric malpractice, or wrongful death, it shall be
11 conclusively presumed that the settlement does not include any compensation for the cost of
12 health care services, loss of earnings or other economic loss to the extent those losses or
13 expenses have been or are obligated to be paid or reimbursed by an insurer. By entering into any

14 such settlement, an individual shall not be deemed to have taken an action in derogation of any
15 right of any insurer that paid or is obligated to pay those losses or expenses; nor shall an
16 individual's entry into such settlement constitute a violation of any contract between the
17 individual and such insurer.

18 No individual entering into such a settlement shall be subject to a subrogation claim or
19 claim for reimbursement by an insurer and an insurer shall have no lien or right of subrogation or
20 reimbursement against any such settling individual or any other party to such a settlement, with
21 respect to those losses or expenses that have been or are obligated to be paid or reimbursed by
22 said insurer.

23 (c) A violation of this section shall be an unfair or deceptive acts or practices in the
24 business of insurance.