SENATE DOCKET, NO. 2307 FILED ON: 1/17/2025

SENATE . . . . . No. 2035

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 eliminate the tax deduction for direct-to-consumer pharmaceutical marketing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Jason M. Lewis	*Fifth Middlesex*	
Rebecca L. Rausch	*Norfolk, Worcester and Middlesex*	*1/23/2025*

SENATE DOCKET, NO. 2307 FILED ON: 1/17/2025

SENATE . . . . . No. 2035

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 2035) of Jason M. Lewis and Rebecca L. Rausch for legislation to eliminate the tax deduction for direct-to-consumer pharmaceutical marketing. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1862* OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act to eliminate the tax deduction for direct-to-consumer pharmaceutical marketing.

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

Section 1 of chapter 63 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking items (e) and (f) under the definition of "net income" and inserting in place thereof the following:-

(e) the deduction allowed by section 199 of the Code;

(f) the deduction described in section 163(e)(5) of the Code, to the extent increased by amendments to section 163(e)(5)(F) and section 163(i)(1) of the Code, inserted by section 1232 of the American Recovery and Reinvestment Act of 2009; or

(g) the deduction described in section 162(a) of the Code, to the extent that this deduction applies to direct consumer advertising of prescription drugs, which shall include all direct and

indirect costs incurred or paid relating to advertising prescription drugs and devices to patients in Massachusetts, including media advertising, coupons, outreach and persistency programs, and any other forms of marketing or advertising directed to persons other than licensed prescribers. For amounts paid or incurred in national or regional programs, the amount disallowed shall be the ratable share of expenses directed to Massachusetts residents.