

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 ensuring access to fair and reasonable pharmacy networks.

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

Norfolk and Middlesex

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act ensuring access to fair and reasonable pharmacy networks.

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 176Y of the General Laws, as inserted by chapter X of
2 the Acts of 2024, is hereby amended by inserting after the definition of “Mail-order pharmacy”
3 the following definition:-

4 “Network”, as defined in section 1 of chapter 176O.

5 SECTION 2. Said section 1 of said chapter 176Y is hereby further amended by inserting
6 after the definition of “Pharmacy benefit manager” the following definition:-

7 "Steering", a practice employed by a pharmacy benefit manager or carrier that channels a
8 prescription to a pharmacy in which a pharmacy benefit manager or carrier has an ownership
9 interest or with which it is under common ownership, including, but not limited to, retail, mail-
10 order, or specialty pharmacies.

11 SECTION 3. Said chapter 176Y is hereby further amended by inserting at the end thereof
12 the following 2 sections:-

13 Section 5. (a) A pharmacy benefit manager shall provide a reasonably adequate and
14 accessible pharmacy benefit manager network for the provision of prescription drugs, which
15 provides for convenient patient access to pharmacies within a reasonable distance from a
16 patient's residence.

17 (b) A pharmacy benefit manager may not deny a pharmacy the opportunity to participate
18 in a pharmacy benefit manager network at preferred participation status if the pharmacy is
19 willing to accept the terms and conditions that the pharmacy benefit manager has established for
20 other pharmacies as a condition of preferred network participation status.

21 (c) A mail-order pharmacy shall not be considered when determining pharmacy benefit
22 manager network adequacy under this section.

23 Section 6. (a) A pharmacy benefits manager that engages in the practice of steering shall
24 be subject to a surcharge payable to the division of 10 percent on the aggregate dollar amount it
25 reimbursed pharmacies in the previous calendar year for prescription drugs in the
26 commonwealth.

27 (b) Any person operating a health plan whose contracted pharmacy benefits manager
28 engages in the practice of steering shall be subject to a surcharge payable to the division of 10
29 percent on the aggregate dollar amount its pharmacy benefit manager reimbursed pharmacies on
30 its behalf in the previous calendar year for prescription drugs in the commonwealth.