

**JOINT COMMITTEE ON FINANCIAL SERVICES
2025-2026 (194th) BILL SUMMARY**

Bill No: H774

Title: AN ACT RELATIVE TO PRESCRIPTION MEDICATION TRANSFER AND AVAILABILITY

Sponsor: Rep. Michael P. Kushmerek (*Fitchburg*)

Hearing Date: October 1, 2025

Reporting Deadline: November 30, 2025

Prior History: None

Similar Matters: None

CURRENT LAW:

M.G.L. c. 13 Division and Boards of Registration § 22(d) Board of registration in pharmacy; membership; qualifications; appointment; term; code of ethics

...For the purposes of this section, "chain pharmacist" will mean a pharmacist employed by a retail drug organization that operates 10 or more retail drug stores within the commonwealth and is registered under *section 39 of chapter 112*.

M.G.L. c. 94C Controlled Substances Act

M.G.L. c. 112 Registration of Certain Professions and Occupations § 39 Registration; permits; fees; rendering of final decision; establishment of specialty pharmacy licensure categories

M.G.L. c. 118E Division of Medical Assistance (MassHealth) § 17 Reimbursements for non-generic drugs

Multiple source drugs listed in the Massachusetts list of interchangeable drug products established pursuant to the provisions of section thirteen of chapter seventeen of the General Laws and regulations adopted thereunder will not be reimbursable except for the "Massachusetts maximum allowable cost", as defined by regulations of the department, unless the division grants prior authorization based upon the provision of written documentation by the practitioner to the division that satisfactorily demonstrates that a recipient's medical condition requires the use of a nongeneric drug and unless the practitioner writes on the face of the prescription in his or her own handwriting the words "brand name medically necessary" under the words "no substitution" in a manner consistent with applicable state law.

247 CMR 9.14 Professional Practice Standards, Transfer of Prescriptions

(1) A pharmacy shall transfer a prescription to another pharmacy, at the request of a patient or his or her agent, in a timely manner so as not to delay patient therapy. (2) The pharmacy may act as the patient's agent in order to facilitate a transfer. (3) A pharmacy may not charge a fee for transferring a prescription.

SUMMARY:

SECTION 1.

Defines chain pharmacist as a pharmacist employed by a retail drug organization that operates 10 or more retail drug stores within the commonwealth and is registered under *section 39 of chapter 112*.

SECTION 2.

A chain pharmacist may transfer a prescription to another pharmacy within the same pharmacy chain if the following conditions are met:

- (i) the prescription is for medication currently out of stock at the original pharmacy
- (ii) the transfer is for the same medication and dosage as prescribed on the original prescription
- (iii) the prescription is valid and not expired
- (iv) the pharmacy receiving the transferred prescription has the medication in stock as of the time of transfer
- (v) the transfer of the prescription does not exceed the original quantity prescribed
- (vi) the patient is informed of the transfer and consents to having their prescription filled at a different pharmacy location within the same chain. A chain pharmacist may provide a 60-day or 90-day extension for the prescription being transferred, if they deem such extension necessary.

SECTION 3.

A MassHealth recipient will not be required to make any payment for a nongeneric drug that is found, based on the provision of written documentation by their practitioner to the division that satisfactorily demonstrates that the recipient's medical condition requires the use of a nongeneric drug and the practitioner writes on the face of the prescription in his or her own handwriting the words "brand name medically necessary" under the words "no substitution", to be medically necessary or for which no substitution is available.