

1 SECTION 4. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as
2 appearing in the 2016 Official Edition, is hereby amended by adding the following subclause:-

3 (v) records disclosed to the health policy commission under subsection (a) of section 8A
4 of chapter 6D.

5 SECTION 5. Chapter 6D of the General Laws is hereby amended by inserting after
6 section 8 the following section:-

7 Section 8A. (a) The commission shall require a manufacturer of a prescribed drug
8 specified in subsection (b) to disclose to the commission within a reasonable time any records
9 that describe or relate to the manufacturer's pricing of that drug. Based on the records furnished,
10 the commission shall formulate a proposed value of a prescribed drug specified in subsection (b).

11 (b) A manufacturer of the following prescribed drugs must comply with the requirements
12 set forth in this section: a drug for which the executive office of health and human services was
13 unable to successfully conclude supplemental rebate negotiations with the manufacturer of the
14 drug under subsection (a) of section 12A of chapter 118E, and for which the commission has
15 received notice from the secretary of health and human services under subsection (c) of said
16 section 12A of said chapter 118E.

17 (c) Records disclosed by a manufacturer under subsection (a) shall not be public records
18 under section 7 of chapter 4 or chapter 66 and shall remain confidential; provided, however, that
19 the commission may produce reports summarizing any findings; provided that any such report
20 shall not be in a form that identifies specific prices charged for drugs by a manufacturer.

21 (d) If, after review of any records furnished to the commission under subsection (a), the
22 commission determines that the drug manufacturer's pricing of the drug is potentially
23 unreasonable or excessive in relation to the commission's proposed value under subsection (a),
24 the commission shall, with 30 days advance notice to the drug manufacturer and the public, hold
25 a public hearing at which the drug manufacturer shall be required to appear and testify to provide
26 further information related to the pricing of the prescribed drug and the manufacturer's
27 justification for the pricing. In addition to the drug manufacturer, the commission may identify as
28 witnesses other relevant parties, including patients, providers, provider organizations and payers.
29 Witnesses shall provide testimony under oath and subject to examination by the commission, the
30 secretary of health and human services, and the attorney general or their respective designees, at
31 the public hearing in a manner and form to be determined by the commission.

32 (e) Within 60 days from the date of a public hearing under subsection (d), the
33 commission shall issue a determination concerning the reasonableness of the manufacturer's
34 pricing of the drug.

35 (f) In the event the drug manufacturer does not timely comply with the commission's
36 request for records under subsection (a) or appearance at a public hearing under subsection (d),
37 or otherwise knowingly obstructs the commission's ability to issue the determination described in
38 subsection (e), including by providing incomplete, false or misleading information, the
39 commission may impose appropriate sanctions against the drug manufacturer, including
40 reasonable monetary penalties not to exceed \$500,000, and may refer the drug manufacturer to
41 the office of attorney general for appropriate action under chapter 93A, or any other applicable
42 provision of the General Laws. The commission shall seek to promote compliance with this
43 section and shall only impose a civil penalty on the drug manufacturer as a last resort.

44 (g) The commission shall adopt any written policies, procedures or regulations the
45 commission determines necessary to implement this section.

46 SECTION 6. Chapter 10 of the General Laws is hereby amended by inserting after
47 section 35LLL, inserted by section 4 of chapter 273 of the acts of 2018, the following section:-

48 Section 35MMM. There shall be established and set up on the books of the
49 commonwealth a Childhood Lead Poisoning Prevention Trust Fund. The fund shall be
50 administered by the commissioner of public health. The fund shall be credited with all revenue
51 collected from the surcharge imposed by section 22 of chapter 482 of the acts of 1993 and by
52 revenue transferred from the lead paint education and training account established pursuant to
53 said section 22 of said chapter 482. The fund shall be used for the operation of the childhood
54 lead poisoning prevention program, including but not limited to production and dissemination of
55 educational materials pertaining to lead paint poisoning prevention and treatment issues, as
56 required by sections 192B and 197A of chapter 111, and for training of lead paint inspectors as
57 well as homeowner training for those aspects of lead paint abatement or containment which the
58 department of public health, through regulations, authorizes homeowners to perform themselves.
59 Amounts credited to the fund shall not be subject to further appropriation and money remaining
60 in the fund at the close of a fiscal year shall not revert to the General Fund and shall be available
61 for expenditure in subsequent fiscal years.

62 SECTION 7. Section 15 of chapter 12 of the General Laws, as appearing in the 2016
63 Official Edition, is hereby amended by striking out, in line 4, the figure "171,561" and inserting
64 in place thereof the following figure:- 191,000.

65 SECTION 8. Section 2 of chapter 21A of the General Laws, as so appearing, is hereby
66 amended by adding the following paragraph:-

67 The secretary shall, notwithstanding any general or special law to the contrary, identify
68 and consolidate administrative activities and functions common to the separate offices,
69 departments and divisions within the office and may designate such functions "core
70 administrative functions" in order to improve administrative efficiency and preserve fiscal
71 resources. Common functions that shall be designated core administrative functions shall
72 include, but shall not be limited to, human resources, including payroll processing and
73 information technology. All employees performing functions so designated shall be employed

74 directly by the secretary, and the office shall function as a single state agency for purposes of
75 carrying out the functions so designated.

76 SECTION 9. Section 18 of chapter 25 of the General Laws, as so appearing, is hereby
77 amended by striking out, in line 9, the figure "0.2" and inserting in place thereof the following
78 figure:- 0.3.

79 SECTION 10. Section 30 of chapter 29 of the General Laws, as so appearing, is hereby
80 amended by adding the following sentence:-

81 Notwithstanding the foregoing sentence, the executive office for administration and
82 finance may, in consultation with the Massachusetts emergency management agency, approve a
83 state agency request for permission to insure a property of the commonwealth that has been
84 damaged if the costs of repair for the property are eligible under a presidentially declared disaster
85 and the state agency would otherwise be ineligible for federal reimbursement unless insurance is
86 obtained and maintained.

87 SECTION 11. Section 20 of chapter 32A of the General Laws, as so appearing, is hereby
88 amended by striking out, in lines 3 and 4, the words, "as an indemnity plan."

89 SECTION 12. Section 8 of chapter 44B of the General Laws, as so appearing, is hereby
90 amended by striking out, in lines 3, 8 and 23, the figure "20" and inserting in place thereof, in
91 each instance, the following figure:- 50.

92 SECTION 13. Said section 8 of said chapter 44B, as so appearing, is hereby further
93 amended by striking out, in lines 10, 14 and 24, the figure "10" and inserting in place thereof, in
94 each instance, the following figure:- 25.

95 SECTION 14. Chapter 64H of the General Laws, as so appearing, is hereby amended by
96 striking out section 1 and inserting in place thereof the following section:-

97 Section 1. As used in this chapter the following words shall have the following meanings:

98 "Business", any activity engaged in by any person or caused to be engaged in by a person with
99 the object of gain, benefit or advantage, either direct or indirect.

100 "Commissioner", the commissioner of revenue.

101 "Engaged in business", commencing, conducting or continuing in business, as well as liquidating
102 a business when the liquidator thereof holds itself out to the public as conducting such a
103 business.

104 "Engaged in business in the commonwealth", (i) having a business location within the
105 commonwealth; (ii) regularly or systematically soliciting orders for the sale of services to be
106 performed within the commonwealth or for the sale of tangible personal property for delivery to
107 destinations in the commonwealth; (iii) otherwise exploiting the retail sales market within the

108 commonwealth through any means whatsoever, including, but not limited to, (a) salespeople,
109 solicitors or representatives within the commonwealth, (b) catalogs or other solicitation materials
110 sent through the mails or otherwise, (c) billboards, advertising or solicitations in newspapers,
111 magazines, radio or television broadcasts, (d) computer networks or in any other
112 communications medium, including through the means of an Internet website, software or
113 cookies distributed or otherwise placed on customers' computers or other communications
114 devices, or a downloaded application; (iv) regularly engaged in the delivery of property or the
115 performance of services within the commonwealth; or (v) otherwise availing oneself of the
116 substantial privilege of carrying on business within the commonwealth, including through virtual
117 or economic contacts. A person shall be considered to have a business location within the
118 commonwealth only if such person (i) owns or leases real property within the commonwealth;
119 (ii) has 1 or more employees located within the commonwealth; (iii) regularly maintains a stock
120 of tangible personal property within the commonwealth for sale in the ordinary course of
121 business; or (iv) regularly leases out tangible personal property for use within the
122 commonwealth. For the purposes of this paragraph, property on consignment in the hands of a
123 consignee and offered for sale by the consignee on the consignee's own account shall not be
124 considered as stock maintained by the consignor; a person having a business location within the
125 commonwealth solely by reason of regularly leasing out tangible personal property shall be
126 considered to have a business location within the commonwealth only with respect to such leased
127 property; and an employee shall be considered to be located within the commonwealth if (a) the
128 employee's service is performed entirely within the commonwealth or (b) the employee's service
129 is performed both within and without the commonwealth but in the performance of the
130 employee's services the employee regularly commences the employee's activities at, and returns
131 to, a place within the commonwealth. "Within the commonwealth" means within the exterior
132 limits of the commonwealth of Massachusetts, and includes all territory within said limits owned
133 by, or leased or ceded to, the United States of America. This provision shall be construed to the
134 fullest extent of the U.S. Constitution unless otherwise limited by state law.

135 "Gross receipts", the total sales price received by a vendor as a consideration for retail sales.

136 "Home service provider", the facilities-based carrier or reseller with which the retail customer
137 contracts for the provision of mobile telecommunications service.

138 "Marketplace", a physical or electronic forum, including a shop, a store, a booth, a television or
139 radio broadcast, an Internet web site, a catalogue or a dedicated sales software application, where
140 the tangible personal property or services of a marketplace seller is offered for sale, regardless of
141 whether, in the case of tangible personal property, such property is physically located in the
142 commonwealth.

143 "Marketplace facilitator", a person that contracts with 1 or more marketplace sellers to facilitate
144 for a consideration, regardless of whether deducted as fees from the transaction, the sale of the
145 seller's tangible personal property or services through a marketplace operated by the person, and
146 engages: (a) directly or indirectly, through 1 or more related persons, in any of the following: (i)
147 transmitting or otherwise communicating the offer or acceptance between the buyer and the
148 seller; (ii) owning or operating the infrastructure, electronic or physical, or technology that
149 brings buyers and sellers together; (iii) providing a virtual currency that buyers are allowed or

150 required to use to purchase products from the seller; or (iv) software development or research
151 and development activities related to any of the activities described in subsection (b), if such
152 activities are directly related to a physical or electronic marketplace operated by the person or a
153 related person; and (b) in any of the following activities with respect to the seller's products: (i)
154 payment processing services; (ii) fulfillment or storage services; (iii) listing products for sale;
155 (iv) setting prices; (v) branding sales as those of the marketplace facilitator; (vi) order taking;
156 (vii) advertising or promotion; or (viii) providing customer service or accepting or assisting with
157 returns or exchanges; provided, however, that a marketplace facilitator may also be a
158 marketplace seller. The commissioner may issue regulations or other guidance to further explain
159 the definition of a marketplace facilitator, which guidance may in some circumstances limit the
160 application of the term as it might otherwise apply.

161 "Marketplace seller", a person that makes retail sales through a marketplace operated by a
162 marketplace facilitator; provided, however, that a marketplace seller may also be a marketplace
163 facilitator.

164 "Mobile telecommunications service", commercial mobile radio service, as defined in section
165 20.3 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

166 "Motion picture", a feature-length film, a video, a digital media project, a television series
167 defined as a season not to exceed 27 episodes, or a commercial made in the commonwealth, in
168 whole or in part, for theatrical or television viewing or as a television pilot. The term "motion
169 picture" shall not include a production featuring news, current events, weather and financial
170 market reports, talk show, game show, sporting events, awards show or other gala event, a
171 production whose sole purpose is fundraising, a long-form production that primarily markets a
172 product or service, or a production containing obscene material or performances.

173 "Motion picture production company", a company including any subsidiaries engaged in the
174 business of producing motion pictures, videos, television series, or commercials intended for a
175 theatrical release or for television viewing. The term "motion picture production company" shall
176 not mean or include any company which is more than 25 per cent owned, affiliated, or
177 controlled, by any company or person which is in default on a loan made by the commonwealth
178 or a loan guaranteed by the commonwealth.

179 "Person", an individual, partnership, trust or association, with or without transferable shares,
180 joint-stock company, corporation, society, club, organization, institution, estate, receiver, trustee,
181 assignee, or referee, and any other person acting in a fiduciary or representative capacity,
182 whether appointed by a court or otherwise, and any combination of individuals acting as a unit.

183 "Place of primary use", the street address representative of where the customer's use of the
184 mobile telecommunications service primarily occurs, which shall be the residential street address
185 or the primary business address of the customer and which shall be within the licensed service
186 area of the home service provider. The place shall be determined in accordance with 4 U.S.C.
187 sections 121 and 122.

188 "Prepaid calling arrangement", the right to exclusively purchase telecommunications services,
189 that shall be paid for in advance and enables the origination of the calls using an access number
190 or authorization code, whether manually or electronically dialed.

191 "Purchaser", a person who purchases tangible personal property or services the receipts from the
192 retail sale of which are taxable under this chapter and includes a buyer, vendee, lessee, licensee,
193 or grantee.

194 "Remote marketplace facilitator", a marketplace facilitator that is engaged in business in the
195 commonwealth only pursuant to subsections (iii)(b) to (d) and (v) of such definition.

196 "Remote retailer", a retailer, including a marketplace seller or marketplace facilitator, that is
197 "engaged in business in the commonwealth" only pursuant to subsections (iii)(b) to (d) and (v) of
198 such definition.

199 "Retailer", includes (i) every person, including a marketplace seller, engaged in the business of
200 making sales at retail; (ii) every person engaged in the making of retail sales at auction of
201 tangible personal property whether owned by such person or others; (iii) every marketplace
202 facilitator engaged in facilitating retail sales of tangible personal property or services,
203 irrespective of whether such tangible personal property is owned by the facilitator or a
204 marketplace seller and irrespective of whether such services are performed by the facilitator or a
205 marketplace seller; (iv) every person, including a marketplace seller or marketplace facilitator,
206 engaged in the business of making sales for storage, use or other consumption, or in the business
207 of making sales at auction of tangible personal property whether owned by such person or others
208 for storage, use or other consumption; (v) every salesperson, representative, peddler or canvasser
209 who, in the opinion of the commissioner, it is necessary to regard for the efficient administration
210 of this chapter as the agent of the dealer, distributor, supervisor or employer under whom the
211 agent operates or from whom the agent obtains the tangible personal property sold by the agent,
212 in which case the commissioner may treat and regard such agent as the retailer jointly
213 responsible with the agent's principal, employer or supervisor for the collection and payment of
214 the tax imposed by this chapter; and (vi) the commonwealth, or any political subdivision thereof,
215 or their respective agencies when such entity is engaged in making sales at retail of a kind
216 ordinarily made by private persons.

217 "Retail establishment", any premises in which the business of selling services or tangible
218 personal property is conducted, or, in or from which any retail sales are made.

219 "Sale" and "selling", include (i) any transfer of title or possession, or both, exchange, barter,
220 lease, rental, conditional or otherwise, of tangible personal property or the performance of
221 services for a consideration, in any manner or by any means whatsoever; (ii) the producing,
222 fabricating, processing, printing or imprinting of tangible personal property for a consideration
223 for consumers who furnish either directly or indirectly the materials used in the producing,
224 fabricating, processing, printing or imprinting; (iii) the furnishing and distributing of tangible
225 personal property or services for a consideration by social clubs and fraternal organizations to
226 their members or others; (iv) a transaction whereby the possession of property is transferred but
227 the seller retains the title as security for the payment of the price; (v) a transfer for a

228 consideration of the title or possession of tangible personal property which has been produced,
229 fabricated or printed to the special order of the customer, or of any publication; (vi) the
230 furnishing of information by printed, mimeographed or multigraphed matter, or by duplicating
231 written or printed matter in any other manner, including the services of collecting, compiling or
232 analyzing information of any kind or nature and furnishing reports thereof to other persons, but
233 excluding the furnishing of information, which is personal or individual in nature and which is
234 not or may not be substantially incorporated in reports furnished to other persons, and excluding
235 the services of advertising or other agents, or other persons acting in a representative capacity,
236 and information services used by newspapers, radio broadcasters and television broadcasters in
237 the collection and dissemination of news and excluding the furnishing of information by
238 photocopy or other similar means by not for profit libraries which are recognized as exempt from
239 taxation under section 501(C)(3) of the Federal Internal Revenue Code; (vii) the performance of
240 services for a consideration, excluding (a) services performed by an employee for his employer
241 whether compensated by salary, commission, or otherwise, (b) services performed by a general
242 partner for his partnership and compensated by the receipt of distributive shares of income or
243 loss from the partnership; and (c) the performance of services for which the provider is
244 compensated by means of an honorarium, or fee paid to any person or entity registered under 15
245 USC 80b-3 or 15 USC 78q-1 for services the performance of which require such registration, for
246 services related thereto or for trust, custody, and related cash management and securities services
247 of a trust company as defined in chapter 172; (viii) a sale within the meaning of subsections (i) to
248 (vi) facilitated by a marketplace facilitator.

249 "Sale at retail" or "retail sale", a sale of services or tangible personal property or both for any
250 purpose other than resale in the regular course of business. When tangible personal property is
251 physically delivered by an owner, a former owner thereof, a factor, or an agent or representative
252 of the owner, former owner or factor, to the ultimate purchaser residing in or doing business in
253 the commonwealth, or to any person for redelivery to the purchaser, pursuant to a retail sale
254 made by a vendor not engaged in business in the commonwealth, the person making or
255 effectuating the delivery shall be considered the vendor of that property, the transaction shall be
256 a retail sale in the commonwealth by the person and that person, if engaged in business in the
257 commonwealth, shall include the retail selling price in its gross receipts, regardless of any
258 contrary statutory or contractual terms concerning the passage of title or risk of loss which may
259 be expressly or impliedly applicable to any contract or other agreement or arrangement for the
260 sale, transportation, shipment or delivery of that property. That vendor shall include the retail
261 selling price of the property in the vendor's gross receipts. The term "sale at retail" or "retail sale"
262 shall not include: (a) sales of tickets for admissions to places of amusement and sports; (b) sales
263 of transportation services; (c) professional, insurance, or personal service transactions which
264 involve no sale or which involve sales as inconsequential elements for which no separate charges
265 are made; or (d) any sale in which the only transaction in the commonwealth is the mere
266 execution of the contract of sale and in which the tangible personal property sold is not in the
267 commonwealth at the time of such execution; provided, however, that nothing contained in this
268 definition shall be construed to be an exemption from the tax imposed under chapter 64I. In the
269 case of interstate telecommunication services other than mobile telecommunications services, the
270 sale of such services shall be deemed a sale within the commonwealth if the telecommunication
271 is either originated or received at a location in the commonwealth and the services are either paid
272 for in the commonwealth or charged to a service address located in the commonwealth. In the

273 case of interstate and intrastate mobile telecommunications services, the sale of such services
274 shall be deemed to be provided by the customer's home service provider and shall be considered
275 a sale within the commonwealth if the customer's place of primary use is located in the
276 commonwealth. To prevent actual multi-state taxation of any sale of interstate
277 telecommunication service subject to taxation under this chapter, any taxpayer, upon proof that
278 the taxpayer has paid a tax in another state on such sale, shall be allowed a credit against the tax
279 imposed by this chapter to the extent of the amount of such tax properly due and paid in such
280 other state. However, such credit shall not exceed the tax imposed by this chapter. In the case of
281 the sale or recharge of prepaid calling arrangements, the sale or recharge of such arrangements
282 shall be deemed to be within the commonwealth if the transfer for consideration physically takes
283 place at a retail establishment in the commonwealth. In the absence of such physical transfer for
284 consideration at a retail establishment, the sale or recharge shall be deemed a retail sale within
285 the commonwealth if the customer's shipping address is in the commonwealth or, if there is no
286 item shipped, if the customer's billing address or the location associated with the customer's
287 mobile telephone number, as applicable, is in the commonwealth. For purposes of collection of
288 the tax imposed by this chapter on such sales, such sale shall be deemed to occur on the date that
289 the bill is first issued by the vendor in the regular course of its business; provided, however, in
290 the case of prepaid calling arrangements, the sale shall be deemed to occur on the date of the
291 transfer for consideration. For purposes of reporting the sale or recharge of prepaid calling
292 arrangements, the sale or recharge of the arrangements shall be considered a taxable sale of
293 tangible personal property unless the vendor is otherwise required to report sales of
294 telecommunications services.

295 "Sales price", the total amount paid by a purchaser to a vendor as consideration for a retail sale,
296 valued in money or otherwise. In determining the sales price, the following shall apply: (a) no
297 deduction shall be taken on account of (i) the cost of property sold; (ii) the cost of materials used,
298 labor or service cost, interest charges, losses or other expenses; (iii) the cost of transportation of
299 the property prior to its sale at retail; (b) there shall be included (i) any amount paid for any
300 services that are a part of the sale; and (ii) any amount for which credit is given to the purchaser
301 by the vendor; and (c) there shall be excluded (i) cash discounts allowed and taken on sales; (ii)
302 the amount charged for property returned by purchasers to vendors upon rescission of contracts
303 of sale when the entire amounts charged therefor, less the vendors' established handling fees, if
304 any, for such return of property, are refunded either in cash or credit, and when the property is
305 returned within 90 days from the date of sale, and the entire sales tax paid is returned to the
306 purchaser; provided, however, that where a motor vehicle is returned pursuant to a rescission of
307 contract such motor vehicle must be returned within 180 days of the date of sale; (iii) the amount
308 charged for labor or services rendered in installing or applying the property sold; (iv) the amount
309 of reimbursement of tax paid by the purchaser to the vendor under this chapter; (v) transportation
310 charges separately stated, if the transportation occurs after the sale of the property is made; (vi)
311 the amount of the manufacturers' excise tax levied upon motor vehicles under section 4061(a) of
312 the Internal Revenue Code of 1954 of the United States, as amended; and (vii) a "service charge"
313 or "tip" that is distributed by a vendor to service employees, wait staff employees or service
314 bartenders as provided in section 152A of chapter 149.

315 "Services", a commodity consisting of activities engaged in by a person for another person for a
316 consideration; provided, however, that the term "services" shall not include activities performed

317 by a person who is not in a regular trade or business offering such person's services to the public,
318 and shall not include services rendered to a member of an affiliated group, as defined by section
319 1504 of the Internal Revenue Code, by another member of the same affiliated group that does not
320 sell to the public the type of service provided to its affiliate; and provided further, that the term
321 services shall be limited to telecommunications services; and provided further, that nothing
322 herein shall exempt from tax sales of tangible personal property subject to tax under this chapter.

323 "Tangible personal property", personal property of any nature consisting of any produce, goods,
324 wares, merchandise and commodities whatsoever, brought into, produced, manufactured or being
325 within the commonwealth, but shall not include rights and credits, insurance policies, bills of
326 exchange, stocks and bonds and similar evidences of indebtedness or ownership. For purposes of
327 this chapter, "tangible personal property" shall include gas, electricity and steam. A transfer of
328 standardized computer software, including but not limited to electronic, telephonic or similar
329 transfer, shall also be considered a transfer of tangible personal property. The commissioner
330 may, by regulation, provide rules for apportioning tax in those instances in which software is
331 transferred for use in more than one state.

332 "Tax", the excise tax imposed by this chapter.

333 "Taxpayer", any person required to make returns or pay the tax imposed by this chapter.

334 "Telecommunications services", any transmission of messages or information by electronic or
335 similar means, between or among points by wire, cable, fiberoptics, laser, microwave, radio,
336 satellite or similar facilities but not including cable television. Telecommunications services shall
337 be deemed to be services for purposes of this chapter and chapter 64I.

338 "Use of a service", enjoyment of the benefit of a service.

339 "Vendor", a retailer or other person selling tangible personal property or services of a kind the
340 gross receipts from the retail sale of which are required to be included in the measure of the tax
341 imposed by this chapter.

342 SECTION 15. Said chapter 64H, as so appearing, is hereby amended by adding the
343 following section:-

344 Section 34. (a) A remote retailer shall be subject to the registration, collection and
345 remittance requirements of chapters 62C, 64H and 64I as a vendor if its sales within
346 Massachusetts in the prior taxable year or the current taxable year exceed a threshold set by the
347 commissioner in regulation, hereinafter called the Massachusetts sales threshold; provided,
348 however, that the Massachusetts sales threshold shall not be less than \$100,000.

349 (b) In the case of a remote marketplace facilitator, the determination of Massachusetts
350 sales shall include both the facilitator's direct sales and those sales facilitated on behalf of
351 marketplace sellers. A remote marketplace facilitator that exceeds the Massachusetts sales
352 threshold set by the commissioner must report all taxable sales made through such marketplace
353 and collect and remit tax on all such sales, whether such sales are direct sales made on behalf of

354 the marketplace facilitator or sales facilitated for a marketplace seller. Where the marketplace
355 facilitator reports, collects and remits tax on behalf of a marketplace seller that is a remote
356 retailer, such marketplace seller shall not be liable to report these sales and the sales shall not
357 count towards such seller's Massachusetts sales threshold.

358 (c) The commissioner shall issue regulations and other guidance to further explain the
359 sales and use tax rules that pertain to remote retailers. Such guidance shall include rules that
360 further explain the requirements of said chapters 62C, 64H and 64I and as they pertain to
361 marketplace sellers and marketplace facilitators, including rules that explain the rights and
362 responsibilities of such sellers and facilitators with respect to one another. Such guidance may
363 also include rules to aggregate the sales of related remote retailers with respect to the
364 Massachusetts sales threshold.

365 SECTION 16. Section 1 of chapter 64I of the General Laws, as so appearing, is hereby
366 amended by striking out the first paragraph and inserting in place thereof the following:-

367 As used in this chapter the following words shall have the following meanings:-

368 The words "business", "commissioner", "engaged in business", "engaged in business in the
369 commonwealth", "gross receipts", "marketplace", "marketplace facilitator", "marketplace seller",
370 "person", "remote marketplace vendor", "remote retailer", "retailer", "retail establishment", "sale",
371 "selling", "sale at retail", "retail sale", "sales price", "services", "tangible personal property", "tax",
372 "taxpayer", "telecommunications services" and "vendor", shall have the same meanings as in
373 section 1 of chapter 64H.

374 SECTION 17. Section 4 of said chapter 64I, as so appearing, is hereby amended by
375 inserting after the word "vendor", in line 1, the following words:- , including a remote retailer,.

376 SECTION 18. Section 9 of said chapter 64I, as so appearing, is hereby amended by
377 inserting after the word "vendor", in line 1, following words:- including a remote retailer.

378 SECTION 19. Subsection (ff) of section 89 of chapter 71 of the General Laws, as so
379 appearing, is hereby amended by inserting after the word "district", in line 667, the following
380 words:- , and a per pupil facilities component.

381 SECTION 20. Said subsection (ff) of said section 89 of said chapter 71, as so appearing,
382 is hereby further amended by striking out, in line 738, the word "capital" and inserting in place
383 thereof the following word:- facilities.

384 SECTION 21. Said section 89 of said chapter 71, as so appearing, is hereby further
385 amended by striking out subsection (gg) and inserting in place thereof the following subsection:-

386 (gg) Funds appropriated by the commonwealth for charter school tuition assistance shall
387 be expended as follows: (i) first, for the payment of first year tuition for students previously
388 enrolled in a private or parochial school or home schooled; (ii) second, for the payment of tuition
389 for siblings where required by paragraph (2) of subsection (i); (iii) third, for reimbursement of

390 the per pupil facilities component of charter school tuition; and (iv) fourth, for the transitional
391 assistance and supplemental assistance as defined in this subsection, provided that said
392 transitional assistance and supplemental assistance shall be prorated equally if sufficient funds
393 are not appropriated to fully fund such assistance.

394 A district's transitional assistance allowance shall be the positive difference between its
395 current charter school enrollment and the highest enrollment level of the previous 5 years,
396 multiplied by its average per pupil adjusted foundation tuition rate. Subject to appropriation, in
397 the year of the increase the district shall receive 100 per cent of the transitional assistance
398 allowance; in the year following the increase the district shall receive 60 per cent of the
399 transitional assistance allowance; and in the second year following the increase the district shall
400 receive 40 per cent of the transitional assistance allowance.

401 If a district's net charter school tuition cost in any fiscal year exceeds 9 per cent of its net
402 school spending, it shall receive, subject to appropriation, supplemental charter tuition assistance
403 calculated as follows: (i) subtract the district's state school aid as a percentage of the district's
404 foundation budget from the total state school aid as a percentage of the total state foundation
405 budget, but not less than zero; (ii) multiply the result by the foundation budget for the district's
406 students attending charter schools; and (iii) subtract from the result the amount of transitional
407 assistance provided to the district.

408 SECTION 22. Paragraph (4) of subsection (A) of section 3 of chapter 90C of the General
409 Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in
410 place thereof the following paragraph:-

411 A violator may contest responsibility for the infraction by making a signed request for a
412 noncriminal hearing on the citation and mailing such citation, together with a \$25 court filing
413 fee, to the registrar at the address indicated on the citation within 20 days of the citation.
414 Notwithstanding any general or special law to the contrary, the registrar, in cooperation with the
415 state comptroller, upon receipt of the \$25 court filing fee, shall cause the court filing fee to be
416 transferred to the trial court department; provided, however, that the registrar may periodically
417 retain an amount necessary to pay refunds of said fees for dispositions that result in findings of
418 not responsible; and provided further, that the registrar may retain an amount not greater than
419 \$200,000 annually for personnel costs associated with the processing of those filing fees.

420 SECTION 23. Said section 3 of said chapter 90C, as so appearing, is hereby further
421 amended by inserting after the word "responsible", in line 85, the following words:- , which shall
422 be communicated to the registrar.

423 SECTION 24. Subsection (d) of section 47 of chapter 94C, as so appearing, is hereby
424 amended by striking out the third paragraph and inserting in place thereof the following
425 paragraph:-

426 There shall be established within the office of the state treasurer separate special law
427 enforcement trust funds for each sheriff, district attorney and for the attorney general. All such
428 monies and proceeds received by any sheriff, prosecuting district attorney or attorney general

429 shall be deposited in such a trust fund and shall then be expended without further appropriation
430 to defray the costs of protracted investigations, to provide additional technical equipment or
431 expertise, to provide matching funds to obtain federal grants, or such other law enforcement
432 purposes as the sheriff, district attorney or attorney general deems appropriate. The sheriff,
433 district attorney or attorney general may expend up to 10 per cent of the monies and proceeds for
434 drug rehabilitation, drug education and other anti-drug or neighborhood crime watch programs
435 which further law enforcement purposes. Any program seeking to be an eligible recipient of said
436 funds shall file an annual audit report with the local sheriff, district attorney and attorney general.
437 Such report shall include, but not be limited to, a listing of the assets, liabilities, itemized
438 expenditures and board of directors of such program. Within 90 days of the close of the fiscal
439 year, each sheriff, district attorney and the attorney general shall file an annual report with the
440 house and senate committees on ways and means on the use of the monies in the trust fund for
441 the purposes of drug rehabilitation, drug education and other anti-drug or neighborhood crime
442 watch programs.

443 SECTION 25. Subsection (b) of section 24N of chapter 111 of the General Laws, as so
444 appearing, is hereby amended by inserting after the words "subsection (d)", in line 33, the
445 following words:- , any voluntary contributions to the fund from third party payers or third party
446 administrators, as those terms are defined in section 1 of chapter 12C,.

447 SECTION 26. Said chapter 111 is hereby amended by adding the following section:-

448 Section 237. The department of public health shall develop and implement a public
449 information campaign to promote awareness of reproductive health care facilities in the
450 commonwealth, including those that offer or perform abortions. The campaign shall include, but
451 not be limited to: (i) educating reproductive health care professionals, patients and the general
452 public regarding any and all limitations placed on the use of federal Title X family planning
453 program funds by the U.S. Department of Health and Human Services; (ii) establishing a
454 website, translated into multiple languages, with comprehensive information on reproductive
455 health care facilities in the commonwealth, including those that offer or perform abortions and
456 providing information relating to costs and payment options; (iii) training licensed reproductive
457 health care providers to refer all patients who are or may become pregnant to said website; and
458 (iv) performing targeted outreach to appropriate populations who may lack access to information
459 concerning reproductive health options in the commonwealth. As a part of this campaign, the
460 department of public health shall only provide the specific location of health care facilities where
461 abortions are offered or performed to the extent that doing so does not impede the safety or
462 security of persons who attempt to access such facilities. The department of public health shall
463 monitor and analyze any changes to the distribution and availability of reproductive health
464 services in the commonwealth and shall share this data with the health planning council and the
465 health disparities council.

466 SECTION 27. Subsection (b) of section 9D of chapter 118E of the General Laws, as
467 appearing in the 2016 Official Edition, is hereby amended by inserting after the first sentence the
468 following sentence:- For purposes of this section, an individual is deemed to reach the age of 65
469 on the first day of the month in which the individual's 65th birthday occurs.

470 SECTION 28. Subsection (c) of said section 9D of said chapter 118E, as so appearing, is
471 hereby amended by striking out the third sentence and inserting in place thereof the following
472 sentence:- To the extent consistent with federal law and regulations, the division shall ensure that
473 all enrollees in a SCO have the right to disenroll from the program in any month upon submitting
474 a notice of disenrollment to the division or contracted entity.

475 SECTION 29. Said chapter 118E is hereby amended by inserting after section 12 the
476 following section:-

477 Section 12A. (a) Notwithstanding any general or special law to the contrary and subject
478 to required federal approvals, the executive office of health and human services may directly
479 negotiate supplemental rebate agreements with manufacturers of prescribed drugs; provided that
480 the executive office shall not be subject to any otherwise applicable requirements set forth in 801
481 CMR 21.00 or any successor regulation; and provided further, that such agreements maximize
482 value to the commonwealth. Such agreements may be based on the value, efficacy or outcomes
483 of the drug. Prior to seeking a supplemental rebate agreement with a manufacturer, the executive
484 office shall take into consideration a drug's actual cost to the commonwealth and whether the
485 manufacturer of the drug is providing significant discounts relative to other drugs covered by
486 MassHealth.

487 (b) In the event a manufacturer of prescribed drugs and the executive office are unable to
488 successfully conclude negotiations for a supplemental rebate agreement pursuant to subsection
489 (a) and the drug that is the subject of the negotiations is projected to exceed a post-rebate cost per
490 utilizer of \$25,000 per year or a post-rebate aggregate annual cost to MassHealth of \$10,000,000,
491 the executive office may publicly post a proposed value for the drug on the website of the
492 executive office and in a manner consistent with its obligations under federal law, and shall
493 afford interested persons an opportunity to present data, views or arguments for a period of not
494 less than 21 days, and, at the option of the secretary of health and human services, hereinafter the
495 secretary, hold a public hearing as to the proposed value of the drug. In establishing the proposed
496 value of a drug, the executive office may consider factors including clinical efficacy and
497 outcomes, publicly available information relating to the pricing of the drug, including prices paid
498 by other developed nations, the drug's public health value, including the seriousness and
499 prevalence of the disease or condition that is treated by the drug, the extent of utilization of the
500 drug, the likelihood that the use of the drug will reduce the need for other medical care, the
501 number of manufacturers that produce the drug, whether there are pharmaceutical equivalents of
502 the drug, analyses by independent third parties, any information supplied by the manufacturer
503 and other appropriate measures of value. After consideration of the public comments or
504 testimony received, the executive office shall make any necessary updates to the proposed value
505 of the drug and post the final determined value of the drug on the website of the executive office
506 and in a manner consistent with its obligations under federal law. The executive office may
507 engage the manufacturer of the drug in further negotiations under subsection (a) at any point
508 during this process, and shall, at minimum, solicit further negotiations with the drug
509 manufacturer after posting the final determined value of the drug.

510 (c) In the event a manufacturer of prescribed drugs and the executive office are unable to
511 successfully conclude negotiations for a supplemental rebate agreement pursuant to subsection
512 (a) after the process set forth in subsection (b), the secretary may refer the drug manufacturer to
513 the health policy commission for review under section 8A of chapter 6D.

514 (d) In the event that the secretary and the manufacturer have previously agreed to a
515 supplemental rebate for a drug pursuant to subsection (a), the secretary shall not initiate further
516 negotiations, and the drug manufacturer shall not be referred to the commission, for any
517 additional supplemental rebates for the duration of the rebate agreement. No additional
518 supplemental rebates shall be entered into by the manufacturer and the executive office pursuant
519 to subsection (a) with respect to a drug that is subject to an existing supplemental rebate
520 agreement with MassHealth, allowed under applicable state and federal laws.

521 (e) If the health policy commission determines that a manufacturer's pricing of a drug is
522 unreasonable or excessive in relation to the commission's proposed value, pursuant to section 8A
523 of chapter 6D, and the executive office and the manufacturer are unable to successfully complete
524 negotiations for a supplemental rebate agreement, the secretary may subject the drug to actions
525 authorized by the drug management program administered by MassHealth, including but not
526 limited to prior authorization, step therapy, generic drug promotion, quantity limits and the
527 maximum allowable cost.

528 (f) The executive office shall adopt any written policies, procedures or regulations
529 necessary to implement this section.

530 SECTION 30. Said chapter 118E is hereby further amended by inserting after section 25
531 the following section:-

532 Section 25A. (a) For individuals 65 years of age or older, the division shall not consider
533 income in an amount equivalent to 30 per cent of the federal poverty level or assets in an amount
534 equivalent to the federal resource limit for the Medicare Saving programs, each as adjusted
535 annually, in determining eligibility for the Qualified Medicare Beneficiary, Specified Low-
536 Income Medicare Beneficiary and Qualified Individual programs, described in 42 U.S.C. section
537 1396a(a)(10)(E) and also known as the Medicare Saving or Medicare Buy-In programs.
538 Enrollment in the Qualified Individual program shall be capped if the federal allotment for the
539 program is exhausted.

540 (b) Prior to implementing subsection (a), the division shall obtain all required federal
541 approvals, including amending its state plan, and shall promulgate regulations.

542 SECTION 31. Subsection (a) of section 63 of said chapter 118E, as appearing in the 2016
543 Official Edition, is hereby amended by inserting after the definition of "assessment" the
544 following definition:-

545 "Licensee", any person holding a license to operate a nursing home. In the case of a
546 licensee which is not a natural person, licensee shall also mean any shareholder owning 5 per
547 cent or more, any officer and any director of any corporate licensee; any limited partner owning

548 5 per cent or more and any general partner of a partnership licensee; any trustee of any trust
549 licensee; any sole proprietor of any licensee which is a sole proprietorship; any mortgagee in
550 possession; and any executor or administrator of any licensee which is an estate.

551 SECTION 32. Subsection (f) of said section 63 of said chapter 118E, as so appearing, is
552 hereby amended by inserting after the word “fees”, in line 58, the following words:- , or impose
553 a limitation on new admissions for any nursing home that fails to remit delinquent fees, as
554 directed by the executive office. The secretary of the executive office may also enforce this
555 section by offsetting payments from the office of Medicaid on the claims of the nursing home,
556 those of a nursing home with a common licensee, or those of any successor in interest to the
557 nursing home, in the amount of the delinquent fees owed, including any interest and penalties,
558 and transferring such funds into the General Fund; by imposing, after demand, a lien in an
559 amount not to exceed the amount of the delinquent fees owed, including any interest and
560 penalties, in favor of the commonwealth upon any and all property of the nursing home or its
561 licensee; or by such other appropriate mechanism as the executive office may establish by
562 regulation under subsection (g).

563 SECTION 33. Clause (x) of section 3 of chapter 176Q of the General Laws, as appearing
564 in the 2016 Official Edition, is hereby amended by inserting after the figure “18052”, in line 170,
565 the following words:- ; provided, that all applications shall be submitted to the joint committee
566 on health care financing and the house and senate committees on ways and means not less than
567 60 days prior to the submission to the United States Secretary of Health and Human Services;
568 and provided further, that the board shall report quarterly to the joint committee on health care
569 financing and the house and senate committees on ways and means on the status of active
570 applications submitted pursuant to this clause.

571 SECTION 34. Section 110 of chapter 5 of the acts of 1995, as most recently amended by
572 section 53 of chapter 154 of the acts of 2018, is hereby further amended by striking out
573 subsection (b) and inserting in place thereof the following subsection:-

574 (b) A family shall be eligible for assistance provided its maximum allowable countable
575 resources do not exceed \$5,000 and upon meeting all other eligibility criteria; provided,
576 however, that the value of 1 vehicle shall be excluded from the family's countable resources; and
577 provided further, that the value and balance of a college savings plan established and maintained
578 pursuant to, or consistent with, section 529 of the Internal Revenue Code shall be excluded from
579 the family's countable resources.

580 The department shall exclude any earned income of dependent children of the family who
581 are working part-time while attending school full time from a family's countable resources. The
582 department shall promulgate regulations in accordance with this section, including, but not
583 limited to, revising clause (2) of subsection (D) of 106 CMR 204.210.

584 SECTION 35. Section 95 of chapter 194 of the acts of 2011 is hereby repealed.

585 SECTION 36. Notwithstanding subsection (gg) of section 89 of chapter 71, as amended
586 by section 21, in fiscal year 2020 any increase in appropriation above fiscal year 2019 levels,

587 available for use as payments for transitional assistance and supplemental assistance, shall be
588 used to close equal proportions of the gap to full funding for both elements.

589 SECTION 37. Notwithstanding section 53 of chapter 118E of the General Laws, for
590 fiscal year 2020, the executive office of health and human services may determine, subject to
591 required federal approval, the extent to which to include within its covered services for adults the
592 federally-optional dental services that were included in its state plan or demonstration program in
593 effect on January 1, 2002; provided, however, that dental services for adults enrolled in
594 MassHealth shall be covered at least to the extent they were covered as of June 30, 2019; and
595 provided further, that notwithstanding any general or special law to the contrary, at least 45 days
596 before restructuring any MassHealth dental benefits, the executive office of health and human
597 services shall file a report with the executive office for administration and finance and the house
598 and senate committees on ways and means detailing the proposed changes and the anticipated
599 fiscal impact of the changes.

600 SECTION 38. Notwithstanding clause (xiii) of the third paragraph of section 9A of
601 chapter 211B of the General Laws or any other general or special law to the contrary, the court
602 administrator may, from the effective date of this act until April 30, 2020, inclusive, transfer
603 funds from any item of appropriation within the trial court; provided, however, that the court
604 administrator shall not transfer more than 5 per cent of funds from items 0339-1001 and 0339-
605 1003 to any other item of appropriation within the trial court. The transfers shall be made in
606 accordance with schedules submitted to the house and senate committees on ways and means.
607 The schedules shall include: (i) the amount of money transferred from any item of appropriation
608 to any other item of appropriation; (ii) the reason for the necessity of the transfer; and (iii) the
609 date on which the transfer shall be completed. A transfer under this section shall not occur until
610 10 days after the revised funding schedules have been submitted in writing to the house and
611 senate committees on ways and means.

612 SECTION 39. Notwithstanding any general or special law to the contrary, in fiscal year
613 2020 the comptroller shall transfer the unexpended balance of the Local Aid Stabilization Fund
614 established in section 2CCCC of chapter 29 of the General Laws to the Gaming Local Aid Fund
615 established in section 63 of chapter 23K of the General Laws.

616 SECTION 40. Notwithstanding any general or special law to the contrary, in fiscal year
617 2020 the amount of category 1 gaming revenue specified in subclause (j) of clause (2) of section
618 59 of chapter 23K of the General Laws shall be credited to the Commonwealth Transportation
619 Fund established in section 2ZZZ of chapter 29 of the General Laws.

620 SECTION 41. (a) Notwithstanding any general or special law to the contrary, the
621 unexpended balances in items 0699-0015 and 0699-9100 of section 2 shall be deposited into the
622 State Retiree Benefits Trust Fund established in section 24 of chapter 32A of the General Laws
623 before the certification of the fiscal year 2020 consolidated net surplus under section 5C of
624 chapter 29 of the General Laws. The amount deposited shall be an amount equal to 10 per cent of
625 all payments received by the commonwealth in fiscal year 2020 under the master settlement
626 agreement in *Commonwealth of Massachusetts v. Philip Morris, Inc. et al.*, Middlesex Superior
627 Court, No. 95-7378; provided, however, that if in fiscal year 2019 the unexpended balances of

628 said items 0699-0015 and 0699-9100 of said section 2 are less than 10 per cent of all payments
629 received by the commonwealth in fiscal year 2020 under the master settlement agreement
630 payments, an amount equal to the difference shall be transferred to the State Retiree Benefits
631 Trust Fund from payments received by the commonwealth under the master settlement
632 agreement.

633 SECTION 42. Notwithstanding any general or special law to the contrary, the amounts
634 transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be
635 made available for the Commonwealth's Pension Liability Fund established in section 22 of said
636 chapter 32. The amounts transferred pursuant to said subdivision (1) of said section 22C of said
637 chapter 32 shall meet the commonwealth's obligations pursuant to said section 22C of said
638 chapter 32, including retirement benefits payable by the state employees' retirement system and
639 the state teachers' retirement system, for the costs associated with a 3 per cent cost of living
640 adjustment pursuant to section 102 of said chapter 32, the reimbursement of local retirement
641 systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said
642 chapter 32 and the costs of increased survivor benefits pursuant to chapter 389 of the acts of
643 1984. The state board of retirement and each city, town, county and district shall verify these
644 costs, subject to rules that shall be adopted by the state treasurer. The state treasurer may make
645 payments upon a transfer of funds to reimburse certain cities and towns for pensions of retired
646 teachers, including any other obligation that the commonwealth has assumed on behalf of a
647 retirement system other than the state employees' retirement system or state teachers' retirement
648 system, including the commonwealth's share of the amounts to be transferred pursuant to section
649 22B of said chapter 32. The payments under this section shall be made only pursuant to
650 distribution of money from the Commonwealth's Pension Liability Fund and any distribution,
651 and the payments for which distributions are required, shall be detailed in a written report filed
652 quarterly by the secretary of administration and finance with the chairs of the house and senate
653 committees on ways and means and the house and senate chairs of the joint committee on public
654 service in advance of the distribution. Distributions shall not be made in advance of the date on
655 which a payment is actually to be made. If the amount transferred pursuant to subdivision (1) of
656 section 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual
657 pension obligations, the excess amount shall be credited to the Pension Reserves Investment
658 Trust Fund established in subdivision (8) of section 22 of said chapter 32 to reduce the unfunded
659 pension liability of the commonwealth.

660 SECTION 43. Notwithstanding any general or special law to the contrary, the bureau of
661 purchased services in the operational services division shall determine prices for programs under
662 chapter 71B of the General Laws in fiscal year 2020 by increasing the final fiscal year 2019 price
663 by the rate of inflation as determined by the division. The division shall adjust prices for
664 extraordinary relief pursuant to subsection (4) of 808 CMR 1.06. The division shall accept
665 applications for program reconstruction and special circumstances in fiscal year 2020. The
666 division shall authorize the annual price for out-of-state purchasers requested by a program, not
667 to exceed a maximum price determined by the bureau, by identifying the most recent price
668 calculated for the program and applying the estimated rate of inflation for each year, as
669 determined by the bureau under section 22N of chapter 7 of the General Laws, in which the rate
670 of inflation is frozen beginning with fiscal year 2004, in a compounded manner for each fiscal
671 year.

672 SECTION 44. (a) Notwithstanding any general or special law to the contrary, the
673 executive office for administration and finance and the executive office of energy and
674 environmental affairs shall facilitate the orderly transfer of the employees, proceedings, rules and
675 regulations, property, and legal obligations of the functions of state government designated as
676 core administrative functions under section 2 of chapter 21A of the General Laws from the
677 transferor agency to the transferee agency, defined as follows: (1) the department of
678 environmental protection, as the transferor agency, to the executive office of energy and
679 environmental affairs, as the transferee agency; (2) the department of public utilities, as the
680 transferor agency, to the executive office of energy and environmental affairs, as the transferee
681 agency; (3) the department of conservation and recreation, as the transferor agency, to the
682 executive office of energy and environmental affairs, as the transferee agency; (4) the department
683 of agricultural resources, as the transferor agency, to the executive office of energy and
684 environmental affairs, as the transferee agency; (5) the department of energy resources, as the
685 transferor agency, to the executive office of energy and environmental affairs, as the transferee
686 agency; and (6) the department of fish and game, as the transferor agency, to the executive office
687 of energy and environmental affairs, as the transferee agency.

688 (b) The employees of each transferor agency performing the functions designated as core
689 administrative functions under section 2 of chapter 21A of the General Laws, including those
690 who immediately before the effective date of this act hold permanent appointment in positions
691 classified under chapter 31 of the General Laws or have tenure in their positions as provided by
692 section 9A of chapter 30 of the General Laws or do not hold such tenure, or hold confidential
693 positions, are hereby transferred to the respective transferee agency, without interruption of
694 service, without impairment of seniority, retirement or other rights of the employee, and without
695 reduction in compensation or salary grade, notwithstanding any change in title or duties resulting
696 from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and
697 benefits. The reorganization shall not impair the civil service status of any such reassigned
698 employee who immediately before the effective date of this act either holds a permanent
699 appointment in a position classified under chapter 31 of the General Laws or has tenure in a
700 position by reason of section 9A of chapter 30 of the General Laws.

701 Notwithstanding any general or special law to the contrary, all such employees shall continue to
702 retain their right to collectively bargain pursuant to chapter 150E of the General Laws and shall
703 be considered employees for the purposes of said chapter 150E.

704 Nothing in this section shall be construed to confer upon any employee any right not held
705 immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer,
706 reassignment, suspension, discharge, layoff or abolition of position not prohibited before such
707 date.

708 (c) All petitions, requests, investigations and other proceedings appropriately and duly
709 brought before each transferor agency or duly begun by each transferor agency and pending
710 before it before the effective date of this act, both as relating to the functions designated as core
711 administrative functions under section 2 of said chapter 21A, shall continue unabated and remain

712 in force, but shall be assumed and completed by the executive office of energy and
713 environmental affairs.

714 (d) All orders, rules and regulations duly made and all approvals duly granted by each
715 transferor agency as relating to the functions designated as core administrative functions under
716 said section 2 of said chapter 21A, which are in force immediately before the effective date of
717 this act, shall continue in force and shall thereafter be enforced, until superseded, revised,
718 rescinded or canceled, in accordance with law, by the executive office of energy and
719 environmental affairs.

720 (e) All books, papers, records, documents, equipment, buildings, facilities, cash and other
721 property, both personal and real, including all such property held in trust, as relating to the
722 functions designated as core administrative functions under said section 2 of said chapter 21A,
723 which immediately before the effective date of this act are in the custody of each transferor
724 agency shall be transferred to the executive office of energy and environmental affairs.

725 (f) All duly existing contracts, leases and obligations of each transferor agency as relating
726 to the functions designated as core administrative functions under said section 2 of said chapter
727 21A shall continue in effect but shall be assumed by the respective transferee agency. No
728 existing right or remedy of any character shall be lost, impaired or affected by this act.

729 SECTION 45. Notwithstanding any general or special law to the contrary, the secretary
730 for administration and finance, in consultation with the secretary of the executive office of health
731 and human services may transfer funds from the prescription advantage program in line item
732 9110-1455 and from the Health Safety Net Trust Fund established in section 66 of chapter 118E
733 of the General Laws to fund the expansion described in section 25A of said chapter 118E, to the
734 extent that the secretary of the executive office of health and human services certifies in writing
735 that such expansion will result in a savings to those programs.

736 SECTION 46. Notwithstanding any general or special law to the contrary, payments from
737 the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws
738 may be made either as safety net care payments under the commonwealth's waiver pursuant to
739 section 1115 of the federal Social Security Act, 42 U.S.C. section 1315, or as an adjustment to
740 service rate payments under Title XIX and XXI of the federal Social Security Act or a
741 combination of both. Other federally permissible funding mechanisms available for certain
742 hospitals, as defined by regulations of the executive office of health and human services, may be
743 used to reimburse up to \$70,000,000 of uncompensated care pursuant to sections 66 and 69 of
744 said chapter 118E using sources distinct from the funding made available to the Health Safety
745 Net Trust Fund.

746 SECTION 47. Notwithstanding any general or special law to the contrary, not later than
747 October 1, 2019 and without further appropriation, the comptroller shall transfer from the
748 General Fund to the Health Safety Net Trust Fund established in section 66 of chapter 118E of
749 the General Laws the greater of \$45,000,000 or 1/12 of the total expenditures to hospitals and
750 community health centers required pursuant to this act, for the purposes of making initial gross
751 payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1,

752 2019. These payments shall be made to hospitals before, and in anticipation of, the payment by
753 hospitals of their gross liability to the Health Safety Net Trust Fund. The comptroller shall
754 transfer from the Health Safety Net Trust Fund to the General Fund, not later than June 30, 2020,
755 the amount of the transfer authorized by this section and any allocation of that amount as
756 certified by the director of the health safety net office.

757 SECTION 48. Notwithstanding any general or special law to the contrary, in hospital
758 fiscal year 2020, the office of inspector general may expend a total of \$1,000,000 from the
759 Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws for
760 costs associated with maintaining a health safety net audit unit within the office. The unit shall
761 continue to oversee and examine the practices in hospitals including, but not limited to, the care
762 of the uninsured and the resulting free charges. The unit shall also study and review the Medicaid
763 program under said chapter 118E including, but not limited to, a review of the program's
764 eligibility requirements, utilization, claims administration and compliance with federal mandates.
765 The inspector general shall submit a report to the chairs of the house and senate committees on
766 ways and means on the results of the audits and any other completed analyses not later than
767 March 1, 2021.

768 SECTION 49. Notwithstanding any general or special law to the contrary, nursing facility
769 rates effective October 1, 2019 under section 13D of chapter 118E of the General Laws may be
770 developed using the costs of calendar year 2007, or any subsequent year that the secretary of
771 health and human services may select in the secretary's discretion.

772 SECTION 50. Notwithstanding any general or special law to the contrary, the executive
773 office for administration and finance shall transfer up to \$15,000,000 from the Commonwealth
774 Care Trust Fund established in section 2000 of chapter 29 of the General Laws to the Health
775 Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws.

776 SECTION 51. For fiscal year 2020, the Massachusetts Department of Transportation,
777 hereinafter referred to as "the department", shall establish a system of performance metrics,
778 including but not limited to, a fare recovery ratio, to be used to establish targets for each regional
779 transit authority. Said targets shall be incorporated into a mandatory memorandum of
780 understanding to be executed between each regional transit authority and the department, along
781 with the level of performance expected of each regional transit authority pursuant to the transfer
782 required under clause (2) of subsection (d) of section 2ZZZ of chapter 29 of the General Laws.
783 The system of performance metrics shall be informed by the recommendations of the task force
784 on regional transit authority performance and funding established pursuant to section 72 of
785 chapter 154 of the acts of 2018. The memorandum of understanding shall incorporate appropriate
786 ridership, customer service, asset management and financial performance indicators and best
787 practices to ensure that the regional transit authority makes data-driven decisions with respect to
788 its operation including, but not limited to, service and asset management. Four million dollars of
789 the amount required to be transferred to regional transit authorities under said clause (2) of said
790 subsection (d) of said section 2ZZZ shall be conditioned on the execution of an additional
791 memorandum of understanding executed by a regional transit authority and the department;
792 provided, that the department has determined that said regional transit authority: (i) provides best
793 practice services or programs or (ii) initiates, maintains or expands service to a priority

794 population. The memorandum of understanding shall certify that the regional transit authority
795 did not sustain a budget deficit the prior year and that its budget for the current fiscal year is
796 balanced. The department shall provide a copy of each memorandum of understanding executed
797 between a regional transit authority and the department upon execution to the chairs of the joint
798 committee on transportation and the house and senate committees on ways and means.

799 SECTION 52. The health policy commission, in consultation with the department of
800 public health and the Betsy Lehman center for patient safety and medical error reduction, shall
801 implement a 2-year pilot program to reduce pregnancy-related deaths and improve pregnancy
802 outcomes in the commonwealth. The commission shall consider evidence-based practices from
803 successful programs implemented nationally and internationally in the development of the
804 program. The department of public health shall provide relevant data to the commission in order
805 to determine scope and scale of the program, including data on volume and prevalence of
806 pregnancy-related deaths in the commonwealth. The commission shall select implementation
807 sites through a competitive process in which applicants must demonstrate: (i) community need,
808 (ii) the capacity to address preventable causes of complications and death related to pregnancy
809 and child birth, (iii) the ability to facilitate care coordination among health care providers, and
810 (iv) a plan to formalize relationships between health care providers, including hospitals and
811 community-based care providers. The commission shall collect data to gauge the success of the
812 program in decreasing pregnancy-related deaths and track trends within the patient population,
813 including, but not limited to, variance by age, race, and co-morbidities. The commission shall
814 issue a report annually, on or before June 30, to the joint committee on public health and the
815 clerks of the house of representatives and the senate, which will include program progress
816 updates and outcomes data.

817 SECTION 53. There shall be a special commission, known as the Restaurant Promotion
818 Commission, governed by section 2A of chapter 4 of the General Laws, to review and develop
819 recommendations and best practices for the promotion and continued growth and vitality of the
820 restaurant industry in the commonwealth. The commission shall consist of the following 11
821 members: the house and senate chairs of the joint committee on tourism, arts and cultural
822 development; 3 persons to be appointed by the speaker of the house of representatives; 3 persons
823 to be appointed by the president of the senate; 1 person to be appointed by the minority leader of
824 the house of representatives; 1 person to be appointed by the minority leader of the senate; and
825 the executive director of the Massachusetts office of travel and tourism, or their designee, who
826 shall serve as chair of the commission.

827 The commission shall examine ways to increase promotion of and visitation to restaurants
828 operating in the commonwealth, including but not limited to: challenges to maintaining and
829 operating restaurants, including issues related to the training, development and retention of the
830 industry's workforce; barriers to establishing new restaurants; licensing and permitting issues
831 impacting emerging business models; strategies for increased marketing to attract visitors to the
832 commonwealth's restaurants; and strategies for cross-promotional partnerships, including but not
833 limited to partnerships with the hospitality, agriculture and seafood industries. The commission
834 shall consider successful programs and national and local best practices.

835 The commission shall recommend programs for the use of the funds available in item 7008-
836 1024. The commission shall hold its first meeting not later than 30 days after the effective date of
837 this act and shall meet not less frequently than monthly thereafter. The commission shall hold
838 meetings in various geographic regions of the commonwealth. The chair of the commission shall
839 work to facilitate information and data requests of the commission members, ensure that the
840 work of the commission incorporates feedback from the industry statewide and coordinate
841 interagency cooperation. The commission shall submit a report of its review and its
842 recommendations, if any, together with drafts of legislation necessary to carry those
843 recommendations into effect by filing the same with the clerks of the house of representatives
844 and the senate not later than January 31, 2020.

845 SECTION 54. There shall be a special commission governed by section 2A of chapter 4
846 of the General Laws to study civil asset forfeiture policies and practices in the commonwealth.
847 The commission shall consist of the following 19 members: house and senate chairs of the joint
848 committee on the judiciary, who shall serve as co-chairs of the commission; the house and senate
849 chairs of the joint committee on public safety and homeland security; 1 person to be appointed
850 by the minority leader of the house of representatives; 1 person to be appointed by the minority
851 leader of the senate; the attorney general or a designee; the secretary of public safety and security
852 or a designee; the chair of the Massachusetts commission against discrimination or a designee;
853 the chief justice of the supreme judicial court or a designee; the president of the Massachusetts
854 Sheriffs Association, Inc. or a designee; the president of the Massachusetts District Attorney
855 Association or a designee; the chief counsel of the committee for public counsel services or a
856 designee; the colonel of state police or a designee; a representative from the Massachusetts Bar
857 Association; a representative from the Boston Bar Association; a representative from the
858 Massachusetts Association of Criminal Defense Lawyers, Inc.; a representative from the State
859 Police Association of Massachusetts; and a representative from the Massachusetts Chiefs of
860 Police Association.

861 The study shall include, but not be limited to: (i) an evaluation of the standard of proof required
862 for law enforcement in the commonwealth to establish that property seized is related to a crime,
863 as compared to the standard imposed in other states; (ii) a review of current documentation and
864 reporting obligations for law enforcement, including the extent to which law enforcement
865 records whether the property's owner was charged with or convicted of a crime, and any
866 recommendations for enhanced or additional reporting requirements; (iii) an analysis of the
867 scope of civil asset forfeiture in the commonwealth, including an estimate of the total value of
868 assets seized annually, the average value of assets seized in a case and a breakdown by
869 percentage of the underlying offenses giving rise to the forfeiture; (iv) an examination of how
870 civil asset forfeiture proceeds are allocated and spent in the commonwealth; (v) an evaluation of
871 the process by which property owners may challenge a seizure, including the percentage of
872 seizure proceedings challenged annually, the percentage of successful challenges and the average
873 cost of bringing a challenge; (vi) an analysis of any racial or socioeconomic disparities in the
874 application of civil asset forfeiture laws in the commonwealth; and (vii) a review of best
875 practices undertaken in other states.

876 The commission shall hold its first meeting not later than 30 days after the effective date of this
877 act and shall meet not less frequently than monthly thereafter. The commission shall submit a

878 report of its study and any recommendations, together with any draft legislation necessary to
879 carry those recommendations into effect, by filing the same with the clerks of the house of
880 representatives and the senate not later than December 31, 2019.

881 SECTION 55. (a) Notwithstanding any general or special law, rule or regulation to the
882 contrary, the secretary of health and human services shall convene an emergency task force to
883 review the financial stability of nursing homes in the commonwealth in order to ensure the
884 provision of quality resident care and quality jobs. The task force shall consist of: the secretary
885 of health and human services or a designee, who shall serve as chair; the secretary of elder affairs
886 or a designee; the commissioner of public health or a designee; the house and senate chairs of the
887 joint committee on health care financing or their designees; the house and senate chairs of the
888 joint committee on elder affairs or their designees; 1 person to be appointed by the minority
889 leader of the house of representatives; 1 person to be appointed by the minority leader of the
890 senate; and 4 members to be appointed by the governor, 1 of whom shall be a representative of
891 the Massachusetts Senior Care Association, Inc.; 1 of whom shall be a representative of
892 LeadingAge Massachusetts, Inc., 1 of whom shall be a representative of 1199SEIU, and 1 of
893 whom shall be an expert on long-term care and aging policy.

894 (b) The emergency task force shall evaluate options and make policy recommendations
895 necessary to ensure the financial stability of the nursing homes in the commonwealth in order to
896 provide quality nursing home resident care and quality jobs. In addition, the emergency task
897 force shall evaluate and make policy recommendations necessary to: (i) align current and future
898 needs of nursing home care, (ii) reform the department of public health's nursing home licensing
899 processes to ensure an appropriate process for the closure and sale of nursing homes (iii) explore
900 financial incentives around the closure of nursing homes, and (iv) review the utilization,
901 regulatory oversight and market position of rest homes, assisted living and other alternative
902 senior housing options. These recommendations shall include policy options concerning the
903 following: (i) improvements to the MassHealth reimbursement system for nursing homes to
904 promote financial stability, including: (A) the use of an appropriate inflation update for nursing
905 home rates, (B) the use of a base year period that reasonably reflects the costs in the actual rate
906 year, (C) efficiency incentives that align with actual utilization, (D) full recognition of the user
907 fee for Medicaid residents and (E) new department of public health suitability requirements that
908 would precede approval of any application for a new license, any notice of intent for transfer of
909 ownership or any notice of intent to sell any for-profit or non-profit skilled nursing facility;
910 (ii) nursing home workforce engagement, recruitment, training, including transitional training
911 opportunities for employment in rest homes, assisted living and other alternative senior housing
912 options, retention, rates of pay, scope of practice and other methods of ensuring that direct care
913 and frontline staff have an opportunity to and may sustainably support themselves and their
914 families; (iii) potential efficiencies to the commonwealth and improvements to care delivery that
915 could be realized by a voluntary reconfiguration of the system via a reduction in the number of
916 nursing home beds currently licensed while ensuring quality and access; (iv) potential criteria to
917 be used to facilitate a voluntary reconfiguration program, including, but not limited to,
918 occupancy, care standards and measure of regional geographic need; (v) potential incentives for
919 nursing home operators to help align the need for nursing home beds with current and future
920 demand or facilitate the conversion of under-utilized beds to other uses; and (vi) any additional

921 reforms to strengthen the public process for nursing home closures and sales or other
922 recommendations necessary to address the issues referenced above.

923 (c) The emergency task force shall convene its first meeting within 90 days of the
924 effective date of this act and shall meet not less than monthly thereafter. The emergency task
925 force shall file its report, including any drafts of legislation or regulations necessary to carry out
926 its recommendations, with the clerks of the house of representatives and the senate, the house
927 and senate committees on post audit and oversight, the joint committee on health care financing,
928 the joint committee on elder affairs, and the executive director of the health policy commission
929 not later than 1 year after the effective date of this act.

930 (d) The house and senate committees on post audit and oversight shall conduct a
931 performance audit of the long term supports and services care delivery systems in the
932 commonwealth as informed by the emergency task force final recommendations.

933 SECTION 56. Nothing in sections 14 to 18, inclusive, shall override pre-existing law or
934 affect tax liability that accrued prior to the effective date of the act.

935 SECTION 57. Sections 12 and 13 shall take effect on December 31, 2019. The
936 commissioner of revenue shall notify the registers of deeds, the assistant recorders and the joint
937 committee on revenue of the new surcharge amounts established under sections 12 and 13. All
938 documents or instruments received by the registers of deeds and assistant recorders that are
939 postmarked prior to the effective date of said sections 12 and 13 shall be subject to the fee
940 surcharge applicable to section 8 of chapter 44B of the General Laws that was in effect prior to
941 that date.

942 SECTION 58. Except as otherwise specified, this act shall take effect on July 1, 2019.