

HOUSE No. 02383

The Commonwealth of Massachusetts

PRESENTED BY:

David B. Sullivan

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 passage of the accompanying bill:

An Act relative to manufacturer rebates and discount programs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>David B. Sullivan</i>	<i>6th Bristol</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>William "Smitty" Pignatelli</i>	<i>4th Berkshire</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>David M. Torrisi</i>	<i>14th Essex</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>
<i>Stephen R. Canessa</i>	<i>12th Bristol</i>

<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol, and Middlesex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Michael Finn</i>	<i>6th Hampden</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>

HOUSE No. 02383

By Mr. Sullivan of Fall River, a petition (accompanied by bill, House, No. 2383) of Pignatelli and others relative to coupons of manufacturers submitted to health care insurers.

Joint Committee on Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to manufacturer rebates and discount programs.

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 3 of chapter 175H of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by inserting before the word “Any”, in line 1, the following:- (a).

3 SECTION 2. Said section 3 of said chapter 175H, as so appearing, is hereby further amended by
4 4 inserting after word “rebate”, in line 7, the following words:- except as provided in subsection
5 5 (b),.

6 SECTION 3. Said section 3 of said chapter 175H, as so appearing, is hereby further amended by
7 adding the following subsection:-

8 (b) This section shall not apply to a discount, rebate, product voucher or other reduction in an
9 individual’s out-of-pocket expenses, including co-payments and deductibles on a prescription
10 drug, biologic or vaccine provided by a pharmaceutical manufacturing company, as defined in
11 section 1 of chapter 111N, that is made available to an individual if the discount, rebate, product

12 voucher or other reduction is provided directly or electronically to the individual or through a
13 point of sale or mail-in rebate, or through similar means; provided, however, that a
14 pharmaceutical manufacturing company shall not exclude nor favor any pharmacy in the
15 redemption of such discount, rebate, product voucher or other expense reduction offer to an
16 individual.

17

18 This subsection shall not: (i) restrict a pharmaceutical manufacturing company with regard to
19 how it distributes a prescription drug, biologic or vaccine; or (ii) restrict a carrier or a health
20 maintenance organization, as defined in section 1 of chapter 118G, with regard to how its plan
21 design will treat such discounts, rebates, product voucher or other reduction in out-of-pocket
22 expenses.

23 For purposes of the federal Health Insurance Portability and Accountability Act of 1996,
24 hereinafter HIPAA, and regulations promulgated under HIPAA, nothing in this subsection shall
25 be deemed to require or allow the use or disclosure of health information in any manner that does
26 not otherwise comply with HIPAA or regulations promulgated under HIPAA.