

SENATE No. 2240

The Commonwealth of Massachusetts

SENATE, April 30, 2012

The committee on Health Care Financing, to whom was referred the petition (accompanied by bill, Senate No. 530) of Richard T. Moore, Robert M. Koczera, James J. Dwyer, James B. Eldridge and other members of the General Court for legislation to protect the confidentiality of patient prescription records; and the petition (accompanied by bill, Senate, No. 1858) of Mark C. Montigny, Gale D. Candaras, Sonia Chang-Diaz, Marc R. Pacheco and other members of the General Court for legislation to prohibit the use of prescriber-identifiable data for marketing purposes, reports, teh accompanying bill (Senate, No. 2240)

For the committee,

RICHARD T. MOORE.

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In the Year Two Thousand Twelve
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An Act to ensure the privacy of patient prescription records.

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. Chapter 112 of the general laws, as appearing in the 2010 Official Edition,
2 is hereby amended by inserting at the end of section 24, the following paragraph: -

3 Pharmacists licensed in the Commonwealth, and pharmacies operating in the
4 Commonwealth, and all other persons who control, own, license, use or share pharmacy records
5 shall protect the privacy and confidentiality of provider-identifiable prescription information as if
6 such information constituted "protected health information" within the meaning of the federal
7 Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule (45 CFR Parts 160
8 & 164). Each violation of this provision shall carry a fine of \$1,000 per affected record. Suit to
9 enforce this provision may be brought by the Attorney General or by any affected patient or
10 provider. This provision is a state expansion of medical privacy rights, as permitted by Section
11 264(c)(2) of HIPAA (Public Law 104-191).