

SENATE No. 714

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to pharmaceutical "gag clauses".

PETITION OF:

NAME:

Bruce E. Tarr

DISTRICT/ADDRESS:

First Essex and Middlesex

SENATE No. 714

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 714) of Bruce E. Tarr for legislation relative to pharmaceutical "gag clauses". Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 652 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to pharmaceutical "gag clauses".

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. Notwithstanding any general or special law to the contrary, no contract for
2 pharmacy services between a health insurance carrier or pharmacy benefits manager and a
3 pharmacy or pharmacist shall contain a provision prohibiting or penalizing a pharmacist’s
4 disclosure to an insured individual purchasing a covered prescription medication of information
5 regarding: (i) the cost of the prescription medication to the individual, and (ii) the availability of
6 any equivalent medication or alternative methods of purchasing the prescription medication,
7 including, but not limited to, paying a cash price, which may be less expensive than the cost of
8 the prescription medication to the individual.

9 (b) No health insurance carrier or pharmacy benefits manager shall require an individual
10 to make a payment at the point of sale for a covered prescription medication in an amount greater

- 11 than the amount an individual would pay for the prescription medication if the individual
- 12 purchased the prescription medication without using a health insurance plan.