

SENATE. No. 2207

The Commonwealth of Massachusetts

SENATE, February 9, 2004.

The committee on Health Care, to whom was referred the petition (accompanied by bill, Senate, No. 557) of Mark C. Montigny for legislation to require the Division of Medical Assistance to negotiate supplemental rebates for prescription drugs; the petition (accompanied by bill, House, No. 354) of J. Michael Ruane for legislation to limit payments to manufacturers by pharmacies, hospitals or other institutions licensed to dispense drugs in the Commonwealth, report the accompanying bill (Senate, No. 2207).

For the committee,

RICHARD T. MOORE.

The Commonwealth of Massachusetts

In the Year Two Thousand and Four.

AN ACT RELATIVE TO MANUFACTURERS' COUPONS.

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 41 of chapter 118E of the General Laws is
2 hereby amended by inserting before the end of the second sen-
3 tence:— or to a discount or other reduction in price on a health
4 care item or a limited-time free supply of a health care item that is
5 made available to an individual, if such is provided directly by a
6 health care provider to the individual or through a “point of sale”
7 or “mail-in” coupon or through similar means. This section does
8 not negate the need for a written prescription as provided by law.

9 For purposes of the federal Health Information Portability and
10 Accountability Act of 1996, nothing in this section shall be
11 deemed to require or allow the use or disclosure of health infor-
12 mation in any manner that does not otherwise comply with such
13 Act.

1 SECTION 2. Section 3 of chapter 175H of the General Laws is
2 hereby amended by inserting at the end thereof:— This section
3 shall not apply to a discount or other reduction in price on a health
4 care item or a limited-time free supply of a health care item that is
5 made available to an individual, if such is provided directly by a
6 health care provider to the individual or through a “point of sale”
7 or “mail-in” coupon or through similar means. This section does
8 not negate the need for a written prescription as provided by law.

9 For purposes of the federal Health Information Portability and
10 Accountability Act of 1996, nothing in this section shall be
11 deemed to require or allow the use or disclosure of health infor-
12 mation in any manner that does not otherwise comply with such
13 Act.