

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Koutoujian

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 manufacturers coupons and rebates.

PETITION OF:

NAME:

Peter J. Koutoujian

DISTRICT/ADDRESS:

10th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1147 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO MANUFACTURERS COUPONS AND REBATES.

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, as appearing in the 2006
2 Official Edition, is hereby amended by deleting line 21 and inserting in its place the following: --
3 in the provision of covered items or services, or to a discount, rebate or other reduction in price
4 on a prescription drug or a limited time free supply of a prescription drug that is made available
5 to an individual, if such is provided directly or electronically by a health provider to the
6 individual or through a so-called “point of sale” or “mail-in” coupon rebate, or through similar
7 means. This section does not negate the need for a written prescription as otherwise required by
8 law.

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

13 SECTION 2. Section 3 of chapter 175H of the General Laws, as appearing in the 2006 Official
14 Edition, is hereby amended by inserting at the end thereof the following two paragraphs: --

15 This section shall not apply to a discount, rebate or other reduction in price on a
16 prescription drug or a limited time free supply of a prescription drug that is made available to an
17 individual, if such is provided directly or electronically by a health provider to the individual or
18 through a so-called “point of sale” or “mail-in” coupon rebate, or through similar means;

19 provided, however, that this section does not negate the need for a written prescription as
20 otherwise required by law, nor is it intended to constrain a carrier or a health maintenance
21 organization, as those terms are defined in chapter 118G, with regard to how its plan design will
22 treat such discounts, rebates or coupons.

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