HOUSE DOCKET, NO. 687 FILED ON: 1/14/2013

HOUSE . . . . . No. 2646

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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:

An Act to eliminate the tax deduction for direct to consumer pharmaceutical marketing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jason M. Lewis	*31st Middlesex*
Ruth B. Balser	*12th Middlesex*
Denise Provost	*27th Middlesex*
Cory Atkins	*14th Middlesex*
Danielle W. Gregoire	*4th Middlesex*
Patricia D. Jehlen	*Second Middlesex*
Denise Andrews	*2nd Franklin*
John F. Keenan	*Norfolk and Plymouth*
Kay Khan	*11th Middlesex*
Timothy J. Toomey, Jr.	*26th Middlesex*
Benjamin Swan	*11th Hampden*
Chris Walsh	*6th Middlesex*
Tom Sannicandro	*7th Middlesex*
James B. Eldridge	*Middlesex and Worcester*
Mark C. Montigny	*Second Bristol and Plymouth*
Carl M. Sciortino, Jr.	*34th Middlesex*

HOUSE DOCKET, NO. 687 FILED ON: 1/14/2013

HOUSE . . . . . No. 2646

By Mr. Lewis of Winchester, a petition (accompanied by bill, House, No. 2646) of Jason M. Lewis and others to eliminate the tax deduction for direct to consumer pharmaceutical marketing. Revenue.

The Commonwealth of Massachusetts

An Act to eliminate the tax deduction for direct to consumer pharmaceutical marketing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The definition of "Net income" in section 1 of chapter 63 of the General Laws is hereby amended by deleting clauses (e) through (f) and inserting in place thereof the following clauses:-

(e) the deduction allowed by section 199 of the Code;

(f) the deduction described in section 163(e)(5) of the Code, to the extent increased by amendments to section 163(e)(5)(F) and section 163(i)(1) of the Code, inserted by section 1232 of the American Recovery and Reinvestment Act of 2009; or

(g) the deduction described in section 162(a) of the Code, to the extent that this deduction applies to direct consumer advertising of prescription drugs, which shall include all direct and indirect costs incurred or paid relating to advertising prescription drugs and devices to patients in Massachusetts, including media advertising, coupons, outreach and persistency programs, and any other forms of marketing or advertising directed to persons other than licensed prescribers. For amounts paid or incurred in national or regional programs, the amount disallowed shall be the ratable share of expenses directed to Massachusetts residents.