

SB0069S01 compared with SB0069

~~{Omitted text}~~ shows text that was in SB0069 but was omitted in SB0069S01

inserted text shows text that was not in SB0069 but was inserted into SB0069S01

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1 **Medication Amendments**
.
2025 GENERAL SESSION
.
STATE OF UTAH
.
Chief Sponsor: Evan J. Vickers
.
House Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses ~~{the acquisition}~~ interference of ~~{certain drugs by pharmaceutical entities}~~
pharmacy participation in a federal drug discount program.

7 **Highlighted Provisions:**

8 This bill:

- 8 ▶ defines terms ~~{, including "340B drug" and "pharmaceutical entity";}~~ ; and
- 9 ▶ ~~{bans}~~ prohibits interfering with a ~~{pharmaceutical entity's acquisition of}~~ pharmacy's ability to
acquire or dispense certain drugs under a ~~{340B drug}~~ federal discount program.

12 **Money Appropriated in this Bill:**

13 None

14 None

17 **ENACTS:**

18 **31A-46-311** , Utah Code Annotated 1953 , Utah Code Annotated 1953

20 *Be it enacted by the Legislature of the state of Utah:*

SB0069

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21 Section 1. Section 1 is enacted to read:

22 **31A-46-311. {Prohibited actions with respect to a pharmaceutical entity} Protection of**
pharmacy discount drug market.

21 (1) As used in this section{;}:

24 (a) "340B drug" means a drug that a 340B entity may purchase at a reduced price pursuant to the 340B
drug discount program.

26 (b) "340B drug discount program" means the federal program limiting drug prices for covered entities,
as described in 42 U.S.C. Sec. 256b et seq.

22 ~~{(a)}~~ (c) "340B entity" means an entity authorized to participate in the {federal} 340B drug discount
program {, as described in 42 U.S.C. Sec. 256b(a)(4)} .

24 ~~{(b)}~~ (d) "Manufacturer" means {the same as that term is defined in Section 1927(k) of } a drug
manufacturer authorized to participate in the {Social Security Act} 340B drug discount program.

26 ~~{(e)}~~ (e) "Pharmaceutical entity" means {a}:

33 (i) a 340B entity;

27 ~~{(i)}~~ (ii) {pharmaceutical} a manufacturer; or

28 {(ii) {a person involved in the distribution of a pharmaceutical manufacturer's products, including a
distributor or a third-party logistics provider; or} }

30 (iii) an agent or affiliate of a {person described in Subsection (1)(a)} 340B entity or {(1)(b)}
manufacturer.

31 (2) A pharmaceutical entity may not directly or indirectly restrict or prohibit:

32 (a) a pharmacy from contracting with a 340B entity to dispense drugs under the 340B drug discount
program, including by denying the pharmacy access to a drug that is manufactured by the
pharmaceutical entity;

34 (b) a 340B entity from contracting with a pharmacy to dispense drugs under the 340B drug discount
program, including by denying the 340B entity access to a drug that is manufactured by the
pharmaceutical entity;

36 (c) the acquisition, dispensing, or delivery of a 340B drug to any location authorized by a 340B entity to
receive the drug, unless prohibited by federal law; or

38 (d) a 340B entity from receiving {a 340B drug} discount {program} pricing for a 340B drug in
accordance with the 340B drug discount program, including by imposing a time limitation on a
340B entity to replenish or submit a claim for a 340B drug.

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- 41 (3) A pharmaceutical entity may not directly or indirectly:
- 42 (a) require a 340B entity to purchase a 340B drug from a {~~certain~~} supplier if the pharmaceutical entity
would otherwise permit the 340B entity to purchase a drug that is not a 340B drug from the supplier;
- 45 (b) require a 340B entity to submit any claim data, utilization data, or information about a 340B entity's
contracts with a third-party as a condition for allowing the acquisition of a 340B drug by, or delivery
of a 340B drug to, a 340B entity, unless the sharing of the data or information {~~sharing~~} is required
{~~by~~} under federal law; or
- 49 (c) otherwise interfere with:
- 50 (i) a contract between a pharmacy and a 340B entity; or
- 51 (ii) the ability of a pharmacy and a 340B entity to enter into a contractto dispense drugs under the
federal 340B drug discount program.
- 52 (4) Nothing in this section is to be construed to conflict with federal law.

61 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

2-6-25 7:17 PM