

SB0069S06 compared with SB0069

~~{Omitted text}~~ shows text that was in SB0069 but was omitted in SB0069S06

inserted text shows text that was not in SB0069 but was inserted into SB0069S06

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1

Medication Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Steve Eliason

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LONG TITLE

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General Description:

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This bill addresses the ~~{acquisition of certain drugs by pharmaceutical entities}~~ 340B drug discount program.

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Highlighted Provisions:

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This bill:

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▸ defines ~~{terms, including "340B drug" and "pharmaceutical entity"; and}~~ a term;

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▸ ~~{bans interfering with}~~ prohibits certain conduct by a pharmaceutical ~~{entity's acquisition of a}~~ manufacturer with respect to the 340B drug~~{:}~~ discount program; and

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▸ permits the Public Employees' Benefit and Insurance Program to adjust its business practices to mitigate any resulting financial impacts.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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ENACTS:

SB0069

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19 31A-46-311 , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

22 Section 1. Section 1 is enacted to read:

23 **31A-46-311. Prohibited actions with respect to {a pharmaceutical entity} the 340B drug**
discount program.

21 (1) As used in this {section} section, "manufacturer" means a pharmaceutical manufacturer, including an
agent or affiliate of a pharmaceutical manufacturer.

22 {(a) {"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) {"Manufacturer" means the same as that term is defined in Section 1927(k) of the Social Security
Act.} }

26 {(c) {"Pharmaceutical entity" means a:} }

27 {(i) (2) {pharmaceutical} A manufacturer{:} may not:

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) or (1)(b).} }

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

32 {(a) (i) a pharmacy from contracting with a 340B entity, including by denying the pharmacy access to
a drug that is manufactured by the {pharmaceutical entity} manufacturer;

34 {(b) (ii) a 340B entity from contracting with a pharmacy, including by denying the 340B entity access
to a drug that is manufactured by the {pharmaceutical entity} manufacturer;

36 {(c) (iii) 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) (iv) a 340B entity from receiving {a} 340B drug discount program pricing for a 340B drug,
including by imposing a time limitation on a 340B entity to replenish or submit a claim for a 340B
drug{:};

41 {(3) (b) {A pharmaceutical entity may not} directly or indirectly:

42 {(a) (i) require a 340B entity to purchase a 340B drug from a {certain} supplier if the {pharmaceutical
entity} manufacturer would otherwise permit the 340B entity to purchase a drug that is not a 340B
drug from the supplier; or

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45 ~~{(b)}~~ (ii) 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 data or information sharing is required by
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 contract.

48 (3) The Public Employees' Benefit and Insurance Program created in Section 49-20-103 may adjust the
program's business practices to mitigate any financial impacts resulting from this section.

52 (4) Nothing in this section is to be construed to conflict with federal law.

52 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 7, 2025.

3-4-25 3:13 PM