

**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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## Medication Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor:Steve Eliason

# LONG TITLE

### General Description:

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

### Highlighted Provisions:

This bill:

- ▶ defines {terms, including "340B drug" and "pharmaceutical entity"; and} a term;
- ▶ {bans interfering with} prohibits certain conduct by a pharmaceutical {entity's acquisition of a} manufacturer with respect to the 340B drug{-} discount program; and
- ▶ permits the Public Employees' Benefit and Insurance Program to adjust its business practices to mitigate any resulting financial impacts.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

ENACTS:

## SB0069 compared with SB0069S06

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

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

Section 1. Section 1 is enacted to read:

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

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

{(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).} }

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

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

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

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

{(iii) {an agent or affiliate of a person described in Subsection (1)(a) or (1)(b).} }

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

{(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;

{(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;

{(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

{(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{:} ;

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

{(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

## SB0069 compared with SB0069S06

- 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