

**SB0069S01**

~~{Omitted text}~~ shows text that was in SB0069S01 but was omitted in SB0069S06

inserted text shows text that was not in SB0069S01 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 {~~interference of pharmacy participation in a federal~~} the 340B drug discount program.

### Highlighted Provisions:

This bill:

- defines {terms} a term; {and}
- prohibits {interfering} certain conduct by a pharmaceutical manufacturer with {a pharmacy's  
ability to acquire or dispense certain drugs under a federal} 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

## SB0069S01 compared with SB0069S06

ENACTS:

**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. {Protection of pharmacy discount} Prohibited actions with respect to the 340B drug {market} discount program.**

{(1) {As used in this section:}-}

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

{(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.}-}

{(c) {"340B entity" means an entity authorized to participate in the 340B drug discount program.}-}

{(d) (1) {"Manufacturer" As used in this section,"manufacturer" means a {drug} pharmaceutical manufacturer, including an agent or affiliate of a pharmaceutical manufacturer {authorized to participate in the 340B drug discount program}.}

{(e) {"Pharmaceutical entity" means:}-}

{(i) {a 340B entity;-}

{(ii) (2) {a-} A manufacturer{;-or} may not:

{(iii) {an agent or affiliate of a 340B entity or manufacturer.}-}

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

{(a) (i) 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} manufacturer;

{(b) (ii) 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} 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

## SB0069S01 compared with SB0069S06

{(d)} (iv) a 340B entity from receiving 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{-} ;

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

49 {(a)} (i) require a 340B entity to purchase a 340B drug from a 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

52 {(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 {sharing of the} data or information sharing is required {under} by federal law; or

56 (c) {otherwise} interfere with:

57 (i) a contract between a pharmacy and a 340B entity; or

58 (ii) the ability of a pharmacy and a 340B entity to enter into a contract {to dispense drugs under the federal 340B drug discount program} .

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.

60 (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.

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