

Evan J. Vickers proposes the following substitute bill:

**Medication Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Steve Eliason

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**LONG TITLE**

**General Description:**

This bill addresses the 340B drug discount program.

**Highlighted Provisions:**

This bill:

- defines a term;
- prohibits certain conduct by a pharmaceutical 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

**Utah Code Sections Affected:**

ENACTS:

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

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

Section 1. Section **31A-46-311** is enacted to read:

**31A-46-311 . Prohibited actions with respect to the 340B drug discount program.**

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

(2) A manufacturer may not:

(a) directly or indirectly restrict or prohibit:

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

- 30        (ii) a 340B entity from contracting with a pharmacy, including by denying the 340B  
31        entity access to a drug that is manufactured by the manufacturer;
- 32        (iii) the acquisition, dispensing, or delivery of a 340B drug to any location authorized  
33        by a 340B entity to receive the drug, unless prohibited by federal law; or
- 34        (iv) a 340B entity from receiving 340B drug discount program pricing for a 340B  
35        drug, including by imposing a time limitation on a 340B entity to replenish or  
36        submit a claim for a 340B drug;
- 37        (b) directly or indirectly:
- 38        (i) require a 340B entity to purchase a 340B drug from a supplier if the manufacturer  
39        would otherwise permit the 340B entity to purchase a drug that is not a 340B drug  
40        from the supplier; or
- 41        (ii) require a 340B entity to submit any claim data, utilization data, or information  
42        about a 340B entity's contracts with a third-party as a condition for allowing the  
43        acquisition of a 340B drug by, or delivery of a 340B drug to, a 340B entity, unless  
44        the data or information sharing is required by federal law; or
- 45        (c) interfere with:
- 46        (i) a contract between a pharmacy and a 340B entity; or
- 47        (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  
49        may adjust the program's business practices to mitigate any financial impacts resulting  
50        from this section.
- 51        (4) Nothing in this section is to be construed to conflict with federal law.
- 52        **Section 2. Effective Date.**
- 53        This bill takes effect on May 7, 2025.