

**HOUSE . . . . . No. 2153**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**John W. Scibak**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to require health care entities to participate in the 340B prescription drug discount program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John W. Scibak	2nd Hampshire
Steven J. D'Amico	4th Bristol
Denise Provost	27th Middlesex
Mary E. Grant	6th Essex
Kay Khan	11th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2243 OF .]

## The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

### AN ACT TO REQUIRE HEALTH CARE ENTITIES TO PARTICIPATE IN THE 340B PRESCRIPTION DRUG DISCOUNT PROGRAM..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Notwithstanding the provisions of any general or specific law to the contrary, the  
2 Executive Office of Health and Human Services shall require that, except as provided in section 3, all  
3 programs, clinics, hospitals and other health-related centers and entities that are eligible under Section  
4 340B of the federal Public Health Service Act, shall participate in the Section 340B federal prescription  
5 drug price discount program.

6 SECTION 2. (a) An entity eligible to participate in the 340B prescription drug discount program may  
7 contract with a pharmacy to provide pharmacy services to that eligible entity, as defined in Section 256b  
8 of Title 42 of the United States Code, including dispensing preferentially priced drugs obtained pursuant  
9 to Section 256b of Title 42 of the United States Code. Contracts between those eligible entities and  
10 pharmacies shall comply with guidelines published by the Health Resources and Services Administration  
11 and shall be available for inspection by board staff during normal business hours.

12 (b) Drugs purchased pursuant to Section 256b of Title 42 of the United States Code and received by a  
13 pharmacy shall be segregated from the pharmacy's other drug stock by either physical or  
14 electronic means. All records of acquisition and disposition of these drugs shall be readily  
15 retrievable in a form separate from the pharmacy's other records.

16 (c) Drugs obtained by a pharmacy to be dispensed to patients of an eligible entity pursuant to Section  
17 256b of Title 42 of the United States Code that cannot be distributed because of a change in  
18 circumstances for the eligible entity or the pharmacy shall be returned to the distributor from  
19 which they were obtained. For the purposes of this section, a change in circumstances included,  
20 but is not limited to, the termination or expiration of the contract between the pharmacy and the

21 eligible entity, the closure of a pharmacy, disciplinary action against the pharmacy, or closure of  
22 the eligible entity.

23 SECTION 3. If an eligible entity described in section 1 above can demonstrate to the satisfaction of the  
24 Executive Office of Health and Human Services that the prescription drug discount it receives other than  
25 through the Section 340B program results in greater savings to the state, the entity may be granted an  
26 exception to the requirements of this section.