

**HOUSE . . . . . No. 00618**

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The Commonwealth of Massachusetts

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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.

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PETITION OF:

NAME:

| DISTRICT/ADDRESS:

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# HOUSE . . . . . No. 00618

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By Mr. John W Scibak of South Hadley, petition (accompanied by bill, House, No. 00618) of [petitioners] for legislation to require health care entities to participate in the federal prescription drug price discount program. Joint Committee on Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 2153 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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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  
2 contrary, the Executive Office of Health and Human Services shall require that, except as  
3 provided in section 3, all programs, clinics, hospitals and other health-related centers and entities  
4 that are eligible under Section 340B of the federal Public Health Service Act, shall participate in  
5 the Section 340B federal prescription drug price discount program.

6 SECTION 2. (a) An entity eligible to participate in the 340B prescription drug discount  
7 program may contract with a pharmacy to provide pharmacy services to that eligible entity, as  
8 defined in Section 256b of Title 42 of the United States Code, including dispensing preferentially

9 priced drugs obtained pursuant to Section 256b of Title 42 of the United States Code. Contracts  
10 between those eligible entities and pharmacies shall comply with guidelines published by the  
11 Health Resources and Services Administration and shall be available for inspection by board  
12 staff during normal business hours.

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

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

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