

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 269

Senator Hackett

A BILL

To enact section 4729.521 of the Revised Code to 1
prohibit drug manufacturers and wholesalers from 2
taking certain actions regarding reimbursements 3
made to 340B covered entities. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4729.521 of the Revised Code be 5
enacted to read as follows: 6

Sec. 4729.521. (A) As used in this section: 7

(1) "340B covered entity" has the same meaning as in 8
section 5167.01 of the Revised Code. 9

(2) "340B drug" means a drug that meets all of the 10
following criteria: 11

(a) The drug is a covered outpatient drug under the 340B 12
drug pricing program. 13

(b) The drug is subject to any offer for reduced prices by 14
a manufacturer pursuant to the 340B drug pricing program. 15

(c) The drug is purchased by a 340B covered entity or 16
would have been purchased by a covered entity if not for an 17

action prohibited under division (B) of this section. 18

(3) "340B drug pricing program" means the program 19
authorized by section 340B of the "Public Health Service Act," 20
42 U.S.C. 256b. 21

(4) "Package" has the same meaning as in 21 U.S.C. 360eee. 22

(B) No manufacturer of dangerous drugs, repackager of 23
dangerous drugs, third-party logistics provider, or wholesale 24
distributor of dangerous drugs, or an agent or affiliate of any 25
of those entities, shall do either of the following: 26

(1) Deny, prohibit, restrict, discriminate against, or 27
otherwise limit the acquisition of a 340B drug by or delivery of 28
a 340B drug to a 340B covered entity, unless the purchase or 29
delivery is prohibited by the United States department of health 30
and human services; 31

(2) Require a 340B covered entity to submit any claims or 32
utilization data as a condition for allowing the acquisition of 33
a 340B drug by or delivery of a 340B drug to a covered entity, 34
unless the claims or utilization data sharing is required by the 35
United States department of health and human services. 36

(C) The commission of any act prohibited by division (B) 37
of this section is an unlawful practice under section 1345.02 of 38
the Revised Code. The attorney general may enforce compliance 39
with this section and take the actions permitted under section 40
1345.02 of the Revised Code, except that the attorney general 41
may assess a civil penalty of \$50,000 for each violation. Each 42
package of 340B drugs determined by the attorney general to be 43
subject to a prohibited act under division (B) of this section 44
constitutes a separate violation. In addition to the civil 45
penalty, the attorney general may refer any complaint of a 46

violation of division (B) of this section to the state board of 47
pharmacy for the board to consider one or more of the sanctions 48
set forth in division (A) (1) of section 4729.56 of the Revised 49
Code. 50

(D) The attorney general may adopt rules, or may delegate 51
authority to the board of pharmacy to adopt rules, pursuant to 52
Chapter 119. of the Revised Code, to implement the provisions of 53
this section. 54

(E) Nothing in this section shall be construed to conflict 55
with or be less restrictive than applicable federal law or 56
regulations, including 21 U.S.C. 355-1, or applicable laws or 57
regulations of this state. 58