

1 **Health Care Access Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses the 340B drug discount program.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines a term;
- 9 ▶ prohibits a pharmaceutical manufacturer from restricting, prohibiting, or otherwise

10 interfering with a 340B entity's ability to:

- 11 • acquire a 340B drug; or
- 12 • participate in the 340B drug discount program; and

13 ▶ permits the Public Employees' Benefit and Insurance Program to adjust its business

14 practices to mitigate any resulting financial impacts.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 ENACTS:

21 **31A-46-311**, Utah Code Annotated 1953

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

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

25 **31A-46-311 . Prohibited actions with respect to the 340B drug discount program.**

26 (1) As used in this section, "manufacturer" means a pharmaceutical manufacturer, including

27 an agent or affiliate of a pharmaceutical manufacturer.

28 (2) A manufacturer may not:

29 (a) directly or indirectly restrict or prohibit:

30 (i) a pharmacy from contracting with a 340B entity, including by denying the

- 31 pharmacy access to a drug that is manufactured by the manufacturer;
32 (ii) a 340B entity from contracting with a pharmacy, including by denying the 340B
33 entity access to a drug that is manufactured by the manufacturer;
34 (iii) the acquisition, dispensing, or delivery of a 340B drug to any location authorized
35 by a 340B entity to receive the drug, unless prohibited by federal law; or
36 (iv) a 340B entity from receiving 340B drug discount program pricing for a 340B
37 drug, including by imposing a time limitation on a 340B entity to replenish or
38 submit a claim for a 340B drug;
- 39 (b) directly or indirectly:
- 40 (i) require a 340B entity to purchase a 340B drug from a supplier if the manufacturer
41 would otherwise permit the 340B entity to purchase a drug that is not a 340B drug
42 from the supplier; or
- 43 (ii) require a 340B entity to submit any claim data, utilization data, or information
44 about a 340B entity's contracts with a third-party as a condition for allowing the
45 acquisition of a 340B drug by, or delivery of a 340B drug to, a 340B entity, unless
46 the data or information sharing is required by federal law; or
- 47 (c) interfere with:
- 48 (i) a contract between a pharmacy and a 340B entity; or
49 (ii) the ability of a pharmacy and a 340B entity to enter into a contract.
- 50 (3) The Public Employees' Benefit and Insurance Program created in Section 49-20-103
51 may adjust the program's business practices to mitigate any financial impacts resulting
52 from this section.
- 53 (4) Nothing in this section is to be construed to conflict with federal law.

54 **Section 2. Effective Date.**

55 This bill takes effect on May 7, 2025.