

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 79, Page 30,
2 Section 354.465, Line 6, by inserting after said section and line the following:

3
4 "376.417. 1. As used in this section, the following terms mean:

5 (1) "340B drug", the same meaning given to the term in section 376.414;

6 (2) "Covered entity", any entity described in subparagraphs (A) to (K) of subsection (a)(4)
7 of Section 340B of the Public Health Service Act, 42 U.S.C. Section 256b, including any pharmacy
8 with which such entity has contracted to dispense 340B drugs on behalf of the entity;

9 (3) "Health carrier", the same meaning given to the term in section 376.1350;

10 (4) "Pharmacy", an entity licensed under chapter 338;

11 (5) "Pharmacy benefits manager", the same meaning given to the term in section 376.388.

12 2. A health carrier, a pharmacy benefits manager, or an agent or affiliate of such health
13 carrier or pharmacy benefits manager shall not discriminate against a covered entity including, but
14 not limited to, by doing any of the following:

15 (1) Reimbursing a covered entity for a quantity of a 340B drug in an amount less than it
16 would pay any other similarly situated pharmacy or entity that is not a covered entity for such
17 quantity of such drug on the basis that the covered entity is a covered entity or that the covered
18 entity dispenses 340B drugs. The director of the department of commerce and insurance shall
19 specify by rule the circumstances under which a pharmacy or entity shall be deemed a "similarly
20 situated pharmacy or entity" for purposes of this subdivision;

21 (2) Imposing any terms or conditions on covered entities that differ from such terms or
22 conditions applied to other similarly situated entities or pharmacies that are not covered entities on
23 the basis that the covered entity is a covered entity or that the covered entity dispenses 340B drugs
24 including, but not limited to, terms or conditions with respect to any of the following:

25 (a) Fees, chargebacks, clawbacks, adjustments, or other assessments;

26 (b) Professional dispensing fees;

27 (c) Restrictions or requirements regarding participation in standard or preferred pharmacy
28 networks;

29 (d) Requirements relating to the frequency or scope of audits or to inventory management
30 systems using generally accepted accounting principles; and

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1 (e) Any other restrictions, conditions, practices, or policies that, as specified by the director
2 of the department of commerce and insurance, interfere with the ability of a covered entity to
3 maximize the value of discounts provided under 42 U.S.C. Section 256b;

4 (3) Discriminating in reimbursement to a covered entity based on the determination or
5 indication a drug is a 340B drug;

6 (4) Requiring a covered entity to identify, either directly or through a third party, a 340B
7 drug;

8 (5) Refusing to cover drugs purchased under the 340B drug-pricing program; or

9 (6) Requiring a covered entity to reverse, resubmit, or clarify a 340B drug-pricing claim
10 after the initial adjudication unless these actions are:

11 (a) In the normal course of pharmacy business and not related to 340B drug pricing; or

12 (b) Required by federal law.

13 3. The director of the department of commerce and insurance shall impose a civil penalty on
14 any health carrier, pharmacy benefits manager, or agent or affiliate of such health carrier or
15 pharmacy benefits manager that violates the requirements of this section. Such penalty shall not
16 exceed five thousand dollars per violation per day.

17 4. The director of the department of commerce and insurance shall promulgate rules to
18 implement the provisions of this section. Any rule or portion of a rule, as that term is defined in
19 section 536.010, that is created under the authority delegated in this section shall become effective
20 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
21 section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested
22 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
23 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
24 authority and any rule proposed or adopted after August 28, 2025, shall be invalid and void."; and
25

26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.