

HB 785 -- HEALTH CARE

SPONSOR: Peters

This bill prohibits health carriers and pharmacy benefits managers, or their affiliates from discriminating against entities that dispense 340B drugs. This includes:

- (1) Reimbursing covered entities less for 340B drugs;
- (2) Imposing different terms or conditions on covered entities;
- (3) Interfering with patients' choices to receive 340B drugs;
- (4) Setting reimbursement rates below the national average drug acquisition cost rate or wholesale acquisition cost;
- (5) Refusing to cover 340B drugs or contract with covered entities who distribute 340B drugs;
- (6) Denying the ability of covered entities to pay for 340B drugs at discounted prices; or
- (7) Requiring a covered entity to reverse, resubmit, or clarify a claim for a 340B drug after initial adjudication unless these actions are:
 - (a) In the normal course of pharmacy business and not related to 42 U.S.C. Section 256b; or
 - (b) Required by state or federal law.

Any contract that is entered into, amended, extended, or renewed on or after the effective date of this section that includes a provision that violates the provisions of the bill will be void and unenforceable.

The Director of the Department of Commerce and Insurance will establish rules to implement this section, subject to legislative review and constitutionality. The Director will impose civil penalties up to \$5,000 per violation per day for non-compliance.