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340B Contract Pharmacy Protection Act

Table of Contents

Section 1.	Title
Section 2.	Definitions
Section 3.	Prohibition of Certain Discriminatory Actions by a Manufacturer or Distributor
Section 4.	Violations
Section 5.	Federal Preemption
Section 6.	Severability
Section 7.	Effective Date

Section 1. Title

This act shall be known as and may be cited as the “340B Contract Pharmacy Protection Act.”

Section 2. Definitions

- (A) “340B drug” means a drug that a 340B entity may purchase at a reduced price pursuant to 42 U.S.C. 256b.
- (B) “340B entity” means an entity authorized to participate in the federal 340B drug discount program, as described in 42 U.S.C. 256b(a)(4).
- (C) “Manufacturer” has the meaning given the term in section 1927(k) of the Social Security Act.

Section 3. Prohibition of Certain Discriminatory Actions by a Manufacturer or Distributor

- (A) Where a 340B entity has ordered a 340B drug from a manufacturer or distributor or third-party logistics provider of a manufacturer’s drugs, the manufacturer, distributor, or third-party logistic provider shall not deny, restrict, prohibit, or otherwise interfere with, either directly or indirectly, the acquisition of such drug by, or delivery of such drug to, any pharmacy that is under contract with the 340B entity to distribute 340B drugs.

Section 4. Violations

- (A) A violation of any provision of this Act by a manufacturer or distributor or third-party logistics provider of a manufacturer’s drugs constitutes a violation of the [insert reference to state law prohibiting unfair or deceptive acts or practices or similar actions] and shall subject the violator to [insert penalties described in state law].

Section 5. Federal Preemption

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(A) Nothing in this Chapter is to be construed or applied to conflict with federal law, including 21 U.S.C. 355-1.

Section 6. Severability

The individual provisions of this Act are severable. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect any other provision, item, or application of the Act which can be given effect without the invalid provision, item, or application.

Section 7. Effective Date

This Act shall become effective upon being enacted into law.