

ENGROSSED LEGISLATIVE BILL 168

Introduced by Hardin, 48; DeKay, 40; Hallstrom, 1; Kauth, 31; Lippincott, 34;
McKeon, 41; Murman, 38; Raybould, 28; Spivey, 13; Conrad, 46;
Fredrickson, 20; Brandt, 32.

A BILL FOR AN ACT relating to health care; to adopt the 340B Contract Pharmacy Protection Act; to provide severability; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 5 of this act shall be known and may be cited as the 340B Contract Pharmacy Protection Act.

Sec. 2. For purposes of the 340B Contract Pharmacy Protection Act:

(1) 340B drug means a drug that a 340B entity may purchase at a reduced price pursuant to 42 U.S.C. 256b, as such section existed on January 1, 2025;

(2) 340B entity means a covered entity as defined in 42 U.S.C. 256b(a)(4), as such section existed on January 1, 2025; and

(3) Manufacturer has the same meaning as in section 71-7438.

Sec. 3. (1) Any manufacturer, agent or affiliate of such manufacturer, or third-party logistics provider of such manufacturer's drugs shall not, either directly or indirectly, deny, restrict, or prohibit the acquisition of any 340B drug by or delivery of any 340B drug to any location authorized by any 340B entity to receive such 340B drug, unless receipt of such 340B drug is prohibited by federal law.

(2) Any manufacturer, agent or affiliate of such manufacturer, or third-party logistics provider shall not, either directly or indirectly, require any 340B entity to submit any data, including any claim data, utilization data, encounter data, medical data, purchasing data, or other data, as a condition for allowing the acquisition of any 340B drug by or delivery of any 340B drug to any 340B entity or to any location authorized by any 340B entity to receive such 340B drug, unless such data is required by federal law.

Sec. 4. The Attorney General or any county attorney may institute an action in the name of the State of Nebraska for an injunction or other process to restrain or prevent any violation of the 340B Contract Pharmacy Protection

Act.

Sec. 5. Nothing in the 340B Contract Pharmacy Protection Act shall be construed or applied to conflict with federal law or any other law of the State of Nebraska, if such law is compatible with applicable federal law.

Sec. 6. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.

PRESIDENT OF THE LEGISLATURE

*THIS IS TO CERTIFY that the within LB 168 was passed by the One Hundred Ninth
Legislature of Nebraska at its First Session on the day
of 20.....*

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR