

As revised by AM 225

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB 168 would adopt the 340B Contract Pharmacy Protection Act (Act). The Act defines the terms of a “340B drug” as drugs 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. The Act prohibits any manufacturer drugs to either directly or indirectly to 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. The Act further authorizes the Attorney General or any county attorney to institute an action in the name of the State of Nebraska for an injunction to restrain or prevent any violation of the 340B Contract Pharmacy Protection Act. The bill contains an emergency clause.

The Attorney General may have the potential expense of litigation. The bill is unclear as to whether the responsibility of enforcement would lie within the Attorney General's office. If enforcement lies with the AG's office, the office would be able to absorb the additional responsibilities with their current resources. If enforcement actions were numerous then the Attorney General's office may require additional staffing.

Additionally, county governments may have some administrative costs to ensure the regulations are enforced; however, the number of potential enforcement actions is currently unknown and most likely be able to be absorbed in current resources.

As amended by AM 255, strikes the prohibition for distributors of such manufacturer's drugs from the Act.

The fiscal impact is anticipated to be nominal and can be absorbed by current resources.