



General Assembly

February Session, 2022

**Raised Bill No. 355**

LCO No. 2606



Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:  
(INS)

**AN ACT ESTABLISHING THE 340B DRUG PRICING  
NONDISCRIMINATION ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) For the purposes of this  
2 section:

3 (1) "340B covered entity" means an entity participating in the federal  
4 340B drug pricing program authorized by 42 USC 256b, as amended  
5 from time to time, including any pharmacy under contract with the  
6 entity to dispense drugs through such program on behalf of the entity.

7 (2) "Patient" means an individual seeking medical diagnosis and  
8 treatment.

9 (3) "Pharmacy" has the same meaning as provided in section 38a-  
10 479aaa of the general statutes.

11 (4) "Pharmacy benefits manager" has the same meaning as provided  
12 in section 38a-479aaa of the general statutes.

13 (b) (1) A pharmacy benefits manager shall not disparately treat any

14 340B covered entity by imposing or requiring terms of such 340B  
15 covered entity that differ from those imposed or required of other  
16 providers based solely on such 340B covered entity's eligibility or  
17 designation as a 340B covered entity.

18 (2) Disparate terms include:

19 (A) The exclusion of 340B eligible or 340B covered entities from  
20 provider networks;

21 (B) Reimbursing 340B eligible or 340B covered entities for a lesser  
22 amount than the prescription drug coverage reimburses a pharmacy  
23 benefit manager affiliate for providing the same pharmacist services;  
24 and

25 (C) Assessing any fee, charge-back, participation requirement or  
26 other adjustment upon a 340B covered entity solely on the basis that the  
27 340B covered entity participates in the federal 340B drug pricing  
28 program.

29 (c) On and after October 1, 2022, a contract entered into between a  
30 pharmacy benefit manager and a 340B covered entity shall not contain  
31 any of the following provisions:

32 (1) A reimbursement rate for a prescription drug that would diminish  
33 the 340B benefit to a 340B covered entity;

34 (2) A fee or adjustment that is not imposed on providers or  
35 pharmacies that are not 340B covered entities;

36 (3) A fee or adjustment amount that exceeds the fee or adjustment  
37 amount imposed on providers or pharmacies that are not 340B covered  
38 entities;

39 (4) Any provision that prevents or interferes with a patient's choice  
40 to receive a prescription drug from a 340B covered entity, including the  
41 administration of the drug;

42 (5) Any provision that excludes a 340B covered entity from pharmacy  
43 benefit manager networks based on the 340B covered entity's  
44 participation in the federal 340B Drug Pricing Program; and

45 (6) Any provision that discriminates against a 340B covered entity.

46 (d) For contracts between a pharmacy benefit manager and a 340B  
47 covered entity entered into, amended or renewed after October 1, 2022,  
48 to the extent any such provision violates subsection (c) of this section,  
49 such contract shall be deemed void and unenforceable.

50 (e) The Insurance Commissioner shall adopt regulations, in  
51 accordance with the provisions of chapter 54 of the general statutes, to  
52 implement the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	New section

**Statement of Purpose:**

To implement the 340B Drug Pricing Nondiscrimination Act.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*