



General Assembly

Amendment

February Session, 2024

LCO No. 5922



Offered by:

SEN. HARDING, 30th Dist.

SEN. SOMERS, 18th Dist.

To: Subst. Senate Bill No. 8

File No. 309

Cal. No. 197

(As Amended)

"AN ACT CONCERNING DRUG AFFORDABILITY."

1 Strike sections 23 and 24 in their entirety and substitute the following
2 in lieu thereof:

3 "Sec. 23. (*Effective from passage*) (a) For purposes of this section, (1)
4 "340B drug" means a drug that is a covered outpatient drug within the
5 meaning of 42 USC 256b that has been subject to any offer for reduced
6 prices by a manufacturer under 42 USC 256b(a)(1); (2) "340B drug
7 program" means the drug discount program operated pursuant to
8 Section 340B of the Public Health Service Act, 42 USC 256b, as amended
9 from time to time; and (3) "covered entity" has the same meaning as
10 provided in Section 340B of the Public Health Service Act, 42 USC 256b,
11 as amended from time to time.

12 (b) The Commissioner of Consumer Protection, in coordination with
13 the Departments of Public Health and Social Services, shall study issues

14 concerning the 340B drug program, including, but not limited to:

15 (1) Requiring every 340B covered entity to annually publicly report
16 on how it is using savings to benefit patients;

17 (2) Potential 340B drug program transparency legislation modeled on
18 recent efforts in Maine, Minnesota and Washington; and

19 (3) Exploring ways to maximize value for the state's Medicaid
20 program from the 340B drug program, including, but not limited to: (A)
21 Developing enhanced procedures to ensure that, in accordance with the
22 federally approved Medicaid state plan, Medicaid payments to in-house
23 pharmacies of providers that are 340B covered entities are based on the
24 340B actual invoice price, not to exceed the 340B ceiling price plus the
25 applicable dispensing fee, (B) establishing clearer procedures for
26 potential enrollment and payment of contract pharmacies of providers
27 that are 340B covered entities, including, but not limited to,
28 consideration of potential adjustments to the applicable payment
29 methodology designed to ensure that the cost-based component of
30 payment for drugs is as close as possible to the provider's actual cost to
31 acquire the drugs under the 340B discount, and (C) exploring alternative
32 options for payment methodologies and associated documentation
33 requirements for providers enrolled in Medicaid that are 340B covered
34 entities, such as those used in other state Medicaid programs, to
35 minimize the likelihood of the cost-based component of the Medicaid
36 rate exceeding the amount that the provider paid under the 340B drug
37 program.

38 (c) Not later than January 1, 2025, the Commissioner of Consumer
39 Protection shall submit a report, in accordance with the provisions of
40 section 11-4a of the general statutes, on the results of the study to the
41 joint standing committees of the General Assembly having cognizance
42 of matters relating to general law, human services and public health."