

1 HOUSE BILL NO. 379  
2 INTRODUCED BY T. WELCH, M. THANE  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT CONTINUING THE PROHIBITION THAT PREVENTS A  
5 PHARMACY BENEFIT MANAGER FROM REQUIRING FEDERALLY CERTIFIED HEALTH ENTITIES TO  
6 IDENTIFY 340B DRUGS; ~~EXTENDING THE TERMINATION DATE OF THE PROHIBITION; AMENDING~~  
7 ~~SECTION 33-2-2410, MCA; REPEALING AMENDING~~ SECTION 26, CHAPTER 501, LAWS OF 2021; AND  
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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12 **Section 1.** Section 33-2-2410, MCA, is amended to read:

13 ~~"33-2-2410. Federal 340B drug pricing program. A pharmacy benefit manager or health carrier may~~  
14 ~~not:~~

15 ~~(1) prohibit a federally certified health entity or a pharmacy under contract with an entity to provide~~  
16 ~~pharmacy services from participating in the pharmacy benefit manager's or health carrier's provider network;~~

17 ~~(2) reimburse a federally certified health entity or a pharmacy under contract with an entity~~  
18 ~~differently than it reimburses other similarly situated pharmacies;~~

19 ~~(3) require a claim for a drug to include a modifier to indicate that the drug is a 340B drug unless~~  
20 ~~the claim is for payment, directly or indirectly, by the medicaid program provided for in Title 53, chapter 6, part~~  
21 ~~4; or~~

22 ~~(4) create a restriction or an additional charge on a patient who chooses to receive drugs from a~~  
23 ~~federally certified health entity or a pharmacy under contract with an entity, including but not limited to a~~  
24 ~~patient's inability to fully pay a copayment. (Subsection (3) terminates June 1, 2023—sec. 26, Ch. 501, L.~~  
25 ~~2021.)"~~

26  
27 ~~NEW SECTION. Section 2. Repealer. Section 26, Chapter 501, Laws of 2021, is repealed.~~

**Amendment - 1st Reading-white - Requested by: Kerri Seekins-Crowe - (H) Business and Labor**

- 2023

68th Legislature 2023

Drafter: Jameson Walker, 406-444-3722

HB0379.001.001

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**Section 1.** Section 26, Chapter 501, Laws of 2021, is amended to read:

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**"Section 26. Termination.** [Section 10(3)] terminates June 1, 2023 2025."

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NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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