

HOUSE BILL NO. 379

INTRODUCED BY T. WELCH, M. THANE

A BILL FOR AN ACT ENTITLED: "AN ACT CONTINUING THE PROHIBITION THAT PREVENTS A PHARMACY BENEFIT MANAGER FROM REQUIRING FEDERALLY CERTIFIED HEALTH ENTITIES TO IDENTIFY 340B DRUGS; EXTENDING THE TERMINATION DATE OF THE PROHIBITION; ~~AMENDING SECTION 33-2-2410, MCA; REPEALING AMENDING SECTION 26, CHAPTER 501, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-2-2410, MCA, is amended to read:

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

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

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

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

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

NEW SECTION. **Section 2. — Repealer.** Section 26, Chapter 501, Laws of 2021, is repealed.

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2 **SECTION 1.** SECTION 26, CHAPTER 501, LAWS OF 2021, IS AMENDED TO READ:

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

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

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