

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

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; AMENDING SECTION 33-2-2410, MCA; REPEALING SECTION 26, CHAPTER 501,
7 LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

12 **"33-2-2410. Federal 340B drug pricing program.** A pharmacy benefit manager or health carrier may
13 not:

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

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

18 (3) require a claim for a drug to include a modifier to indicate that the drug is a 340B drug unless
19 the claim is for payment, directly or indirectly, by the medicaid program provided for in Title 53, chapter 6, part
20 1; or

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

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 Repealer.** Section 26, Chapter 501, Laws of 2021, is repealed.

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28 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

