

By Senator Wright

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1 A bill to be entitled
2 An act relating to the federal drug pricing program;
3 creating s. 627.4216, F.S.; defining the terms "340B
4 entity" and "health insurer"; prohibiting health
5 insurers, pharmacy benefit managers, or third parties
6 from reimbursing 340B entities at certain rates or
7 imposing specified adjustments, exclusions, or claim
8 requirements upon such entities; providing an
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 627.4216, Florida Statutes, is created
14 to read:

15 627.4216 Federal drug pricing program; participating
16 entities.-

17 (1) For purposes of this section, the term:

18 (a) "340B entity" means an entity participating in the
19 federal 340B drug pricing program under s. 340B of the Public
20 Health Service Act, including the entity's pharmacy or
21 pharmacies, or any pharmacy under contract with the entity to
22 dispense drugs on behalf of the entity.

23 (b) "Health insurer" means an authorized insurer offering
24 health insurance as defined in s. 624.603 or a health
25 maintenance organization as defined in s. 641.19(12).

26 (2) A health insurer, a pharmacy benefit manager acting on
27 behalf of an insurer, or other third party may not:

28 (a) Reimburse a 340B entity for a drug at a rate lower than
29 that paid for the same drug to pharmacies that are not 340B

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30 entities;

31 (b) Assess any fee, chargeback, or other adjustment upon a
32 340B entity that is not equally assessed upon non-340B entities;

33 (c) Exclude a 340B entity from the insurer's network of
34 participating pharmacies based on criteria that are not applied
35 to non-340B entities; or

36 (d) Require a claim for a drug by its National Drug Code to
37 include a modifier to identify that the drug is medication
38 covered under the 340B drug pricing program.

39 Section 2. This act shall take effect July 1, 2022.