

1 A bill to be entitled
2 An act relating to prohibitions against discriminatory
3 practices relating to 340B entities and 340B drugs;
4 creating s. 499.0263, F.S.; providing definitions;
5 prohibiting drug manufacturers from engaging in
6 certain acts against the acquisitions of 340B drugs by
7 and the delivery of such drugs to specified
8 pharmacies; providing an exception; prohibiting drug
9 manufacturers from interfering with pharmacies' rights
10 to contract with 340B entities; providing that each
11 commission of certain acts constitutes a violation of
12 the Florida Deceptive and Unfair Trade Practices Act
13 and subjects the violator to certain actions and
14 penalties; creating s. 626.8829, F.S.; defining terms;
15 prohibiting certain acts by health insurance issuers,
16 pharmacy benefit managers, or other third-party
17 payors, or their agents, relating to reimbursement to
18 a 340B entity for 340B drugs; providing applicability;
19 prohibiting certain acts by manufacturers relating to
20 interference with the acquisition of a 340B drug;
21 prohibiting a manufacturer's interference with a
22 pharmacy's right to contract with a 340B entity;
23 providing that each commission of certain acts
24 constitutes a violation of the Florida Deceptive and
25 Unfair Trade Practices Act and subjects the violator

26 | to certain actions and penalties; creating ss.
 27 | 627.64743, 627.65733, and 641.31543, F.S.; defining
 28 | terms; prohibiting individual health insurers, group,
 29 | blanket, and franchise health insurers, and health
 30 | maintenance organizations, respectively, and pharmacy
 31 | benefit managers on behalf of these insurers and
 32 | health maintenance organizations, from engaging in
 33 | certain acts against 340B entities for 340B drugs;
 34 | providing applicability; providing that each
 35 | commission of certain acts constitutes a violation of
 36 | the Florida Deceptive and Unfair Trade Practices Act
 37 | and subjects the violator to certain actions and
 38 | penalties; providing an effective date.

39 |

40 | Be It Enacted by the Legislature of the State of Florida:

41 |

42 | **Section 1. Section 499.0263, Florida Statutes, is created**
 43 | **to read:**

44 | 499.0263 Prohibitions against manufacturers'
 45 | discriminatory practices relating to 340B entities and 340B
 46 | drugs.-

47 | (1) As used in this section, the term:

48 | (a) "340B drug" means a drug that has been subject to any
 49 | offer for reduced prices by a manufacturer pursuant to 42 U.S.C.
 50 | s. 256b and is purchased by a covered entity as defined in 42

51 U.S.C. s. 256b(a) (4) .

52 (b) "340B entity" means an entity participating or
53 authorized to participate in the 340B Drug Discount Program, as
54 described in 42 U.S.C. s. 256b, including its pharmacy, or any
55 pharmacy contracted with the participating entity to dispense
56 drugs purchased through the 340B Drug Discount Program.

57 (2) A manufacturer may not:

58 (a) Deny, restrict, prohibit, or otherwise interfere with,
59 directly or indirectly, the acquisition of a 340B drug by, or
60 the delivery of a 340B drug to, a pharmacy that is under
61 contract with a 340B entity and is authorized under such
62 contract to receive and dispense 340B drugs on behalf of the
63 covered entity unless such receipt is prohibited by the United
64 States Department of Health and Human Services.

65 (b) Interfere with a pharmacy's right to contract with a
66 340B entity.

67 (3) The commission of any act prohibited by this section
68 is a deceptive and unfair trade practice, constitutes a
69 violation of the Florida Deceptive and Unfair Trade Practices
70 Act under part II of chapter 501, and subjects the violator to
71 all actions, including, but not limited to, investigative
72 demands, remedies, and penalties provided for in the Florida
73 Deceptive and Unfair Trade Practices Act. Each commission of a
74 prohibited act constitutes a violation of the Florida Deceptive
75 and Unfair Trade Practices Act.

76 **Section 2. Section 626.8829, Florida Statutes, is created**
77 **to read:**

78 626.8829 Prohibitions relating to 304B entities and
79 drugs.-

80 (1) As used in this section, the term:

81 (a) "340B drug" means a drug that has been subject to any
82 offer for reduced prices by a manufacturer pursuant to 42 U.S.C.
83 s. 256b and is purchased by a covered entity as defined in 42
84 U.S.C. s. 256b(a) (4).

85 (b) "340B entity" means an entity participating or
86 authorized to participate in the 340B Drug Discount Program, as
87 described in 42 U.S.C. s. 256b, including its pharmacy, or any
88 pharmacy contracted with the participating entity to dispense
89 drugs purchased through the 340B Drug Discount Program.

90 (c) "Health insurance issuer" means an entity subject to
91 the insurance laws and regulations of this state, or subject to
92 the jurisdiction of the commissioner, which contracts, offers to
93 contract, or enters into an agreement to provide, deliver,
94 arrange for, pay for, or reimburse any of the costs of health
95 care services. The term includes a sickness and accident
96 insurance company, a health maintenance organization, a
97 preferred provider organization or any similar entity, or any
98 other entity providing a plan of health insurance or health
99 benefits.

100 (d) "Manufacturer" means any person that is a manufacturer

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101 of a prescription drug and that manufactures or distributes such
102 prescription drug in this state.

103 (e) "Pharmacy" has the same meaning as in s. 465.003.

104 (f) "Pharmacy benefit manager" has the same meaning as in
105 s. 626.88.

106 (2) With respect to reimbursement to a 340B entity for
107 340B drugs, a health insurance issuer, pharmacy benefit manager,
108 or other third-party payor, or their agents, may not do any of
109 the following:

110 (a) Reimburse the 340B entity for 340B drugs at a rate
111 lower than that paid for the same drug to non-340B entities or
112 entities owned or operated by the pharmacy benefit manager on
113 the basis that the claim is for a 340B drug.

114 (b) Impose any terms or conditions on the 340B entity
115 which differ from such terms or conditions applied to non-340B
116 entities on the basis that the entity participates in the 340B
117 Drug Discount Program set forth in 42 U.S.C. s. 256b or that a
118 drug is a 340B drug, including, but not limited to, any of the
119 following terms or conditions relating to:

120 1. Fees, charges, clawbacks, or other adjustments or
121 assessments. For purposes of this subparagraph, the term "other
122 adjustments" includes, but is not limited to, placing any
123 additional requirements, restrictions, or unnecessary burdens on
124 the 340B entity which result in administrative costs or fees to
125 the 340B entity which are not placed on non-340B entities,

126 including affiliate pharmacies of the health insurance issuer,
127 pharmacy benefit manager, or other third-party payor.

128 2. Dispensation of fees that are less than such fees for
129 non-340B entities.

130 3. Restrictions or requirements regarding participation in
131 standard or preferred pharmacy networks.

132 4. Requirements relating to the frequency or scope of
133 audits of inventory management systems.

134 5. Requirements that a claim for a drug include any
135 identification, billing modifier, attestation, or other
136 indication that a drug is a 340B drug in order to be processed
137 or resubmitted unless it is required by the Centers for Medicare
138 and Medicaid Services or the Agency for Health Care
139 Administration for the administration of the Medicaid program.

140 6. Any other restrictions, conditions, practices, or
141 policies that are not imposed on non-340B entities.

142 (c) Require the 340B entity to reverse, resubmit, or
143 clarify a claim after the initial adjudication unless these
144 actions are in the normal course of pharmacy business and not
145 related to 340B drug pricing.

146 (d) Base an action or contract requirement solely on the
147 basis that the entity is a participant in the 340B Drug Discount
148 Program in such a manner that prevents or interferes with any
149 patient's choice to receive such drugs from the 340B entity,
150 including the creation of a restriction or additional charge on

151 a patient who chooses to receive drugs from a 340B entity
152 through direct dispensing, delivery, mail order, or
153 administration of such drugs, regardless of the type of
154 insurance coverage or medication. For purposes of this
155 paragraph, it is considered a prohibited practice that prevents
156 or interferes with a patient's choice to receive drugs at a 340B
157 entity if a health insurance issuer, pharmacy benefit manager,
158 or other third-party payor places any additional requirements,
159 restrictions, or unnecessary burdens on the 340B entity beyond
160 that of any other pharmacy dispensing medications within the
161 scope of Florida law, including, but not limited to, requiring a
162 claim for a drug to include any identification, billing
163 modifier, attestation, or other indication that a drug is a 340B
164 drug in order to be processed or resubmitted, unless it is
165 required by the Centers for Medicare and Medicaid Services or
166 the Agency for Health Care Administration in administration of
167 the Medicaid program.

168 (e) Require or compel the submission of ingredient costs
169 or pricing data pertaining to 340B drugs to any health insurance
170 issuer, pharmacy benefit manager, or other third-party payor.

171 (f) Exclude the 340B entity from the health insurance
172 issuer, pharmacy benefit manager, or other third-party payor
173 network on the basis that the 340B entity dispenses drugs
174 subject to an agreement under 42 U.S.C. s. 256b, or refuse to
175 contract with the 340B entity for reasons other than those that

176 apply equally to non-340B entities.

177 (3) Subsection (2) does not apply to the Medicaid program
178 as payor when Medicaid provides reimbursement for covered
179 outpatient drugs as defined in 42 U.S.C. s. 1396r-8(k).

180 (4) A manufacturer may not deny, restrict, prohibit, or
181 otherwise interfere with, directly or indirectly, the
182 acquisition of a 340B drug by, or the delivery of a 340B drug
183 to, a pharmacy that is under contract with a 340B entity and is
184 authorized under such contract to receive and dispense 340B
185 drugs on behalf of the covered entity unless such receipt is
186 prohibited by the United States Department of Health and Human
187 Services.

188 (5) A manufacturer may not interfere with a pharmacy's
189 right to contract with a 340B entity.

190 (6) The commission of any act prohibited by this section
191 is a deceptive and unfair trade practice, constitutes a
192 violation of the Florida Deceptive and Unfair Trade Practices
193 Act under part II of chapter 501, and subjects the violator to
194 all actions, including, but not limited to, investigative
195 demands, remedies, and penalties provided for in the Florida
196 Deceptive and Unfair Trade Practices Act. Each commission of a
197 prohibited act constitutes a violation of the Florida Deceptive
198 and Unfair Trade Practices Act.

199 **Section 3. Section 627.64743, Florida Statutes, is created**
200 **to read:**

201 627.64743 Reimbursement of 340B entities for 340B drugs.-

202 (1) As used in this section, the term:

203 (a) "340B drug" means a drug that has been subject to any
 204 offer for reduced prices by a manufacturer pursuant to 42 U.S.C.
 205 s. 256b and is purchased by a covered entity as defined in 42
 206 U.S.C. s. 256b(a) (4).

207 (b) "340B entity" means an entity participating or
 208 authorized to participate in the 340B Drug Discount Program, as
 209 described in 42 U.S.C. s. 256b, including its pharmacy, or any
 210 pharmacy contracted with the participating entity to dispense
 211 drugs purchased through the 340B Drug Discount Program.

212 (c) "Pharmacy" has the same meaning as in s. 465.003.

213 (d) "Pharmacy benefit manager" has the same meaning as in
 214 s. 627.64741(1).

215 (2) With respect to reimbursement to a 340B entity for
 216 340B drugs, an insurer issuing, delivering, or renewing an
 217 individual health insurance policy in this state which provides
 218 prescription drug coverage, or a pharmacy benefit manager on
 219 behalf of such insurer, may not do any of the following:

220 (a) Reimburse the 340B entity for 340B drugs at a rate
 221 lower than that paid for the same drug to non-340B entities on
 222 the basis that the claim is for a 340B drug.

223 (b) Impose any terms or conditions on the 340B entity
 224 which differ from such terms or conditions applied to non-340B
 225 entities on the basis that the entity participates in the 340B

226 Drug Discount Program set forth in 42 U.S.C. s. 256b or that a
227 drug is a 340B drug, including, but not limited to, any of the
228 following terms or conditions relating to:

229 1. Fees, charges, clawbacks, or other adjustments or
230 assessments. For purposes of this subparagraph, the term "other
231 adjustments" includes, but is not limited to, placing any
232 additional requirements, restrictions, or unnecessary burdens on
233 the 340B entity which result in administrative costs or fees to
234 the 340B entity which are not placed on non-340B entities,
235 including affiliate pharmacies or in-network pharmacies of the
236 insurer or of the pharmacy benefit manager.

237 2. Dispensation of fees that are less than such fees for
238 non-340B entities.

239 3. Restrictions or requirements regarding participation in
240 standard or preferred pharmacy networks.

241 4. Requirements relating to the frequency or scope of
242 audits of inventory management systems.

243 5. Requirements that a claim for a drug include any
244 identification, billing modifier, attestation, or other
245 indication that a drug is a 340B drug in order to be processed
246 or resubmitted unless it is required by the Centers for Medicare
247 and Medicaid Services or the Agency for Health Care
248 Administration for the administration of the Medicaid program.

249 6. Any other restrictions, conditions, practices, or
250 policies that are not imposed on non-340B entities.

251 (c) Require the 340B entity to reverse, resubmit, or
252 clarify a claim after the initial adjudication unless these
253 actions are in the normal course of pharmacy business and not
254 related to 340B drug pricing.

255 (d) Base an action or contract requirement solely on the
256 basis that the entity is a participant in the 340B Drug Discount
257 Program in such a manner that prevents or interferes with any
258 patient's choice to receive such drugs from the 340B entity,
259 including the creation of a restriction or additional charge on
260 a patient who chooses to receive drugs from a 340B entity
261 through direct dispensing, delivery, mail order, or
262 administration of such drugs, regardless of the type of
263 insurance coverage or medication. For purposes of this
264 paragraph, it is considered a prohibited practice that prevents
265 or interferes with a patient's choice to receive drugs at a 340B
266 entity if the insurer, or the pharmacy benefit manager on behalf
267 of the insurer, places any additional requirements,
268 restrictions, or unnecessary burdens on the 340B entity beyond
269 that of any other pharmacy dispensing medications within the
270 scope of Florida law, including, but not limited to, requiring a
271 claim for a drug to include any identification, billing
272 modifier, attestation, or other indication that a drug is a 340B
273 drug in order to be processed or resubmitted, unless it is
274 required by the Centers for Medicare and Medicaid Services or
275 the Agency for Health Care Administration in administration of

276 the Medicaid program.

277 (e) Require or compel the submission of ingredient costs
278 or pricing data pertaining to 340B drugs to the insurer or the
279 pharmacy benefit manager.

280 (f) Exclude the 340B entity from the network of the
281 insurer or pharmacy benefit manager on the basis that the 340B
282 entity dispenses drugs subject to an agreement under 42 U.S.C.
283 s. 256b, or refuse to contract with the 340B entity for reasons
284 other than those that apply equally to non-340B entities.

285 (3) Subsection (2) does not apply to the Medicaid program
286 as payor when Medicaid provides reimbursement for covered
287 outpatient drugs as defined in 42 U.S.C. s. 1396r-8(k).

288 (4) The commission of any act prohibited by this section
289 is a deceptive and unfair trade practice, constitutes a
290 violation of the Florida Deceptive and Unfair Trade Practices
291 Act under part II of chapter 501, and subjects the violator to
292 all actions, including, but not limited to, investigative
293 demands, remedies, and penalties provided for in the Florida
294 Deceptive and Unfair Trade Practices Act. Each commission of a
295 prohibited act constitutes a violation of the Florida Deceptive
296 and Unfair Trade Practices Act.

297 **Section 4. Section 627.65733, Florida Statutes, is created**
298 **to read:**

299 627.65733 Reimbursement of 340B entities for 340B drugs.-

300 (1) As used in this section, the term:

301 (a) "340B drug" means a drug that has been subject to any
302 offer for reduced prices by a manufacturer pursuant to 42 U.S.C.
303 s. 256b and is purchased by a covered entity as defined in 42
304 U.S.C. s. 256b(a) (4).

305 (b) "340B entity" means an entity participating or
306 authorized to participate in the 340B Drug Discount Program, as
307 described in 42 U.S.C. s. 256b, including its pharmacy, or any
308 pharmacy contracted with the participating entity to dispense
309 drugs purchased through the 340B Drug Discount Program.

310 (c) "Pharmacy" has the same meaning as in s. 465.003.

311 (d) "Pharmacy benefit manager" has the same meaning as in
312 s. 627.6572(1).

313 (2) With respect to reimbursement to a 340B entity for
314 340B drugs, an insurer issuing, delivering, or renewing a group,
315 blanket, or franchise health insurance policy in this state
316 which provides prescription drug coverage, or a pharmacy benefit
317 manager on behalf of such insurer, may not do any of the
318 following:

319 (a) Reimburse the 340B entity for 340B drugs at a rate
320 lower than that paid for the same drug to non-340B entities on
321 the basis that the claim is for a 340B drug.

322 (b) Impose any terms or conditions on the 340B entity
323 which differ from such terms or conditions applied to non-340B
324 entities on the basis that the entity participates in the 340B
325 Drug Discount Program set forth in 42 U.S.C. s. 256b or that a

326 drug is a 340B drug, including, but not limited to, any of the
327 following terms or conditions relating to:

328 1. Fees, charges, clawbacks, or other adjustments or
329 assessments. For purposes of this subparagraph, the term "other
330 adjustments" includes, but is not limited to, placing any
331 additional requirements, restrictions, or unnecessary burdens on
332 the 340B entity which result in administrative costs or fees to
333 the 340B entity which are not placed on non-340B entities,
334 including affiliate pharmacies or in-network pharmacies of the
335 insurer or of the pharmacy benefit manager.

336 2. Dispensation of fees that are less than such fees for
337 non-340B entities.

338 3. Restrictions or requirements regarding participation in
339 standard or preferred pharmacy networks.

340 4. Requirements relating to the frequency or scope of
341 audits of inventory management systems.

342 5. Requirements that a claim for a drug include any
343 identification, billing modifier, attestation, or other
344 indication that a drug is a 340B drug in order to be processed
345 or resubmitted unless it is required by the Centers for Medicare
346 and Medicaid Services or the Agency for Health Care
347 Administration for the administration of the Medicaid program.

348 6. Any other restrictions, conditions, practices, or
349 policies that are not imposed on non-340B entities.

350 (c) Require the 340B entity to reverse, resubmit, or

351 clarify a claim after the initial adjudication unless these
352 actions are in the normal course of pharmacy business and not
353 related to 340B drug pricing.

354 (d) Base an action or contract requirement solely on the
355 basis that the entity is a participant in the 340B Drug Discount
356 Program in such a manner that prevents or interferes with any
357 patient's choice to receive such drugs from the 340B entity,
358 including the creation of a restriction or additional charge on
359 a patient who chooses to receive drugs from a 340B entity
360 through direct dispensing, delivery, mail order, or
361 administration of such drugs, regardless of the type of
362 insurance coverage or medication. For purposes of this
363 paragraph, it is considered a prohibited practice that prevents
364 or interferes with a patient's choice to receive drugs at a 340B
365 entity if the insurer, or the pharmacy benefit manager on behalf
366 of the insurer, places any additional requirements,
367 restrictions, or unnecessary burdens on the 340B entity beyond
368 that of any other pharmacy dispensing medications within the
369 scope of Florida law, including, but not limited to, requiring a
370 claim for a drug to include any identification, billing
371 modifier, attestation, or other indication that a drug is a 340B
372 drug in order to be processed or resubmitted, unless it is
373 required by the Centers for Medicare and Medicaid Services or
374 the Agency for Health Care Administration in administration of
375 the Medicaid program.

376 (e) Require or compel the submission of ingredient costs
377 or pricing data pertaining to 340B drugs to the insurer or the
378 pharmacy benefit manager.

379 (f) Exclude the 340B entity from the network of the
380 insurer or pharmacy benefit manager on the basis that the 340B
381 entity dispenses drugs subject to an agreement under 42 U.S.C.
382 s. 256b, or refuse to contract with the 340B entity for reasons
383 other than those that apply equally to non-340B entities.

384 (3) Subsection (2) does not apply to the Medicaid program
385 as payor when Medicaid provides reimbursement for covered
386 outpatient drugs as defined in 42 U.S.C. s. 1396r-8(k).

387 (4) The commission of any act prohibited by this section
388 is a deceptive and unfair trade practice, constitutes a
389 violation of the Florida Deceptive and Unfair Trade Practices
390 Act under part II of chapter 501, and subjects the violator to
391 all actions, including, but not limited to, investigative
392 demands, remedies, and penalties provided for in the Florida
393 Deceptive and Unfair Trade Practices Act. Each commission of a
394 prohibited act constitutes a violation of the Florida Deceptive
395 and Unfair Trade Practices Act.

396 **Section 5. Section 641.31543, Florida Statutes, is created**
397 **to read:**

398 641.31543 Reimbursement of 340B entities for 340B drugs.-

399 (1) As used in this section, the term:

400 (a) "340B drug" means a drug that has been subject to any

401 offer for reduced prices by a manufacturer pursuant to 42 U.S.C.
402 s. 256b and is purchased by a covered entity as defined in 42
403 U.S.C. s. 256b(a)(4).

404 (b) "340B entity" means an entity participating or
405 authorized to participate in the 340B Drug Discount Program, as
406 described in 42 U.S.C. s. 256b, including its pharmacy, or any
407 pharmacy contracted with the participating entity to dispense
408 drugs purchased through the 340B Drug Discount Program.

409 (c) "Pharmacy" has the same meaning as in s. 465.003.

410 (d) "Pharmacy benefit manager" has the same meaning as in
411 s. 641.314(1).

412 (2) With respect to reimbursement to a 340B entity for
413 340B drugs, a health maintenance organization issuing,
414 delivering, or renewing a health maintenance contract in this
415 state which provides prescription drug coverage, or a pharmacy
416 benefit manager on behalf of such health maintenance
417 organization, may not do any of the following:

418 (a) Reimburse the 340B entity for 340B drugs at a rate
419 lower than that paid for the same drug to non-340B entities on
420 the basis that the claim is for a 340B drug.

421 (b) Impose any terms or conditions on the 340B entity
422 which differ from such terms or conditions applied to non-340B
423 entities on the basis that the entity participates in the 340B
424 Drug Discount Program set forth in 42 U.S.C. s. 256b or that a
425 drug is a 340B drug, including, but not limited to, any of the

426 following terms or conditions relating to:

427 1. Fees, charges, clawbacks, or other adjustments or
428 assessments. For purposes of this subparagraph, the term "other
429 adjustments" includes, but is not limited to, placing any
430 additional requirements, restrictions, or unnecessary burdens on
431 the 340B entity which result in administrative costs or fees to
432 the 340B entity which are not placed on non-340B entities,
433 including affiliate pharmacies or in-network pharmacies of the
434 health maintenance organization or of the pharmacy benefit
435 manager.

436 2. Dispensation of fees that are less than such fees for
437 non-340B entities.

438 3. Restrictions or requirements regarding participation in
439 standard or preferred pharmacy networks.

440 4. Requirements relating to the frequency or scope of
441 audits of inventory management systems.

442 5. Requirements that a claim for a drug include any
443 identification, billing modifier, attestation, or other
444 indication that a drug is a 340B drug in order to be processed
445 or resubmitted unless it is required by the Centers for Medicare
446 and Medicaid Services or the Agency for Health Care
447 Administration for the administration of the Medicaid program.

448 6. Any other restrictions, conditions, practices, or
449 policies that are not imposed on non-340B entities.

450 (c) Require the 340B entity to reverse, resubmit, or

451 clarify a claim after the initial adjudication unless these
452 actions are in the normal course of pharmacy business and not
453 related to 340B drug pricing.

454 (d) Base an action or contract requirement solely on the
455 basis that the entity is a participant in the 340B Drug Discount
456 Program in such a manner that prevents or interferes with any
457 patient's choice to receive such drugs from the 340B entity,
458 including the creation of a restriction or additional charge on
459 a patient who chooses to receive drugs from a 340B entity
460 through direct dispensing, delivery, mail order, or
461 administration of such drugs, regardless of the type of
462 insurance coverage or medication. For purposes of this
463 paragraph, it is considered a prohibited practice that prevents
464 or interferes with a patient's choice to receive drugs at a 340B
465 entity if the health maintenance organization, or the pharmacy
466 benefit manager on behalf of the health maintenance
467 organization, places any additional requirements, restrictions,
468 or unnecessary burdens on the 340B entity beyond that of any
469 other pharmacy dispensing medications within the scope of
470 Florida law, including, but not limited to, requiring a claim
471 for a drug to include any identification, billing modifier,
472 attestation, or other indication that a drug is a 340B drug in
473 order to be processed or resubmitted, unless it is required by
474 the Centers for Medicare and Medicaid Services or the Agency for
475 Health Care Administration in administration of the Medicaid

476 program.

477 (e) Require or compel the submission of ingredient costs
478 or pricing data pertaining to 340B drugs to the health
479 maintenance organization or the pharmacy benefit manager.

480 (f) Exclude the 340B entity from the network of the health
481 maintenance organization or pharmacy benefit manager on the
482 basis that the 340B entity dispenses drugs subject to an
483 agreement under 42 U.S.C. s. 256b, or refuse to contract with
484 the 340B entity for reasons other than those that apply equally
485 to non-340B entities.

486 (3) Subsection (2) does not apply to the Medicaid program
487 as payor when Medicaid provides reimbursement for covered
488 outpatient drugs as defined in 42 U.S.C. s. 1396r-8(k).

489 (4) The commission of any act prohibited by this section
490 is a deceptive and unfair trade practice, constitutes a
491 violation of the Florida Deceptive and Unfair Trade Practices
492 Act under part II of chapter 501, and subjects the violator to
493 all actions, including, but not limited to, investigative
494 demands, remedies, and penalties provided for in the Florida
495 Deceptive and Unfair Trade Practices Act. Each commission of a
496 prohibited act constitutes a violation of the Florida Deceptive
497 and Unfair Trade Practices Act.

498 **Section 6.** This act shall take effect July 1, 2025.