

# HOUSE . . . . . No. 785

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Brian W. Murray***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting 340B contract pharmacies.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/16/2025</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>4/18/2025</i>

# HOUSE . . . . . No. 785

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By Representative Murray of Milford, a petition (accompanied by bill, House, No. 785) of Brian W. Murray relative to 340B contract pharmacies. Elder Affairs.

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Fourth General Court  
(2025-2026)  
\_\_\_\_\_

An Act protecting 340B contract pharmacies.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 1. Title

2           This act shall be known as and may be cited as the “An Act protecting 340B contract  
3 pharmacies.”

4           Section 2. Definitions

5           (A) “340B drug” means a drug that a 340B entity may purchase at a reduced price  
6 pursuant to 42 U.S.C. § 256b.

7           (B) “340B entity” means an entity authorized to participate in the federal 340B drug  
8 discount program, as described in 42 U.S.C. § 256b(a)(4).

9           (C) “Manufacturer” has the meaning given the term in section 1927(k) of the Social  
10 Security Act.

11           Section 3. Prohibition of Certain Discriminatory Actions by a Manufacturer or

12   Distributor

13           (A) A manufacturer, an agent or affiliate of such manufacturer, or distributor or third-  
14   party logistics provider of a manufacturer's drugs, shall not, directly or indirectly, deny, restrict,  
15   or prohibit the acquisition of a 340B drug by, or delivery of a 340B drug to, any location  
16   authorized by a 340B entity to receive such 340B drug, unless receipt of the 340B drug is  
17   prohibited by federal law.

18           (B) A manufacturer, an agent or affiliate of such manufacturer, or distributor or third-  
19   party logistics provider shall not, either directly or indirectly, require a 340B entity to submit any  
20   claims or utilization data as a condition for allowing the acquisition of a 340B drug by, or  
21   delivery of a 340B drug to, a 340B entity unless the claims or utilization data sharing is required  
22   by federal law.

23           Section 4. Violations

24           (A) A violation of any provision of this Act by a manufacturer or distributor or third-  
25   party logistics provider of a manufacturer's drugs constitutes a section 11 violation of the  
26   Massachusetts Consumer Protection Act.

27           (B) Each package of 340B drugs determined to be subject to a prohibited act under  
28   Section 3 constitutes a separate violation under this section.

29           Section 5. Federal Preemption

(A) Nothing in this Chapter is to be construed or applied to be in conflict with federal law and related regulations, including 21 U.S.C. § 355-1, or other laws of this state, if the state law is compatible with applicable federal law.

#### Section 6. Severability

The individual provisions of this Act are severable. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect any other provision, item, or application of the Act which can be given effect without the invalid provision, item, or application.

#### Section 7. Effective Date

This Act shall become effective upon being enacted into law.