

1 AN ACT relating to pharmaceutical drug price discrimination.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 315 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "340B covered entity"*

7 *1. Means a health care facility that is registered as a covered entity under*
8 *42 U.S.C. sec. 256b, as amended; and*

9 *2. Includes any pharmacy owned or contracted by a covered health care*
10 *facility to dispense covered drugs on behalf of the health care facility;*

11 *(b) "340B price" or "340B pricing" means the amount required to be paid to*
12 *the manufacturer of a covered drug as established pursuant to 42 U.S.C.*
13 *sec. 256b, as amended; and*

14 *(c) "Covered drug" has the same meaning as in 42 U.S.C. sec. 256b, as*
15 *amended.*

16 *(2) A manufacturer shall not discriminate, or cause others to discriminate, against a*
17 *340B covered entity by refusing or withholding 340B pricing for a covered drug if*
18 *the manufacturer offers the same drug at a 340B price in any other state.*
19 *Discrimination prohibited under this section also includes but is not limited to*
20 *any manufacturer-imposed condition, limitation, or delay on the sale of or*
21 *purchase of a covered drug at a 340B price, unless the condition, limitation, or*
22 *delay is expressly required under federal or state law.*

23 *(3) In addition to any private right of action, any person who believes that a*
24 *manufacturer is in violation of subsection (2) of this section may make a*
25 *complaint to the Attorney General who may, pursuant to KRS 315.235,*
26 *investigate the complaint.*

27 *(4) Nothing in this section shall be construed or interpreted to be less restrictive than,*

1 *or in conflict with, any other federal or state law.*