



Rep. Rita Mayfield

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10400HB4065ham001

LRB104 13754 BAB 35466 a

1 AMENDMENT TO HOUSE BILL 4065

2 AMENDMENT NO. _____. Amend House Bill 4065 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the 340B
5 Grantee Contract Pharmacy Access Act.

6 Section 5. Definitions. As used in this Act:

7 "340B contract pharmacy" means a pharmacy in Illinois that
8 is under contract with a 340B hospital or 340B grantee to
9 dispense 340B drugs on behalf of the 340B grantee.

10 "340B drug" means a drug that has been subject to any offer
11 for reduced prices by a pharmaceutical manufacturer pursuant
12 to 42 U.S.C. 256b and is purchased by a 340B hospital or 340B
13 grantee.

14 "340B grantee" means an entity in Illinois that qualifies
15 as a covered entity under Section 340B of the federal Public
16 Health Service Act, 42 U.S.C. 256b(a) (4) (A) - (K).

1 "340B hospital" means a safety-net hospital in Illinois as
2 defined in subsection (a) of Section 5-5e.1 of the Illinois
3 Public Aid Code that qualifies as a covered entity under
4 Section 340B of the federal Public Health Service Act, 42
5 U.S.C. 256b(a) (4) (L) - (O).

6 "Department" means the Department of Financial and
7 Professional Regulation.

8 "Person" includes a natural person, partnership,
9 association, corporation, or any other legal business entity,
10 but does not include any federal or State government entity or
11 body.

12 "Pharmaceutical manufacturer" has the meaning given to the
13 term "manufacturer" in the Wholesale Drug Distribution
14 Licensing Act.

15 Section 10. Use of contract pharmacies.

16 (a) No person, including a pharmaceutical manufacturer,
17 may deny, restrict, or otherwise limit the acquisition of a
18 340B drug by a 340B grantee, 340B hospital, or a 340B contract
19 pharmacy authorized to receive 340B drugs on behalf of the
20 340B grantee or 340B hospital unless the receipt is prohibited
21 by federal law.

22 (b) This Section only applies to a 340B drug dispensed by a
23 340B hospital or 340B grantee to a patient with a household
24 income of less than 200% of the poverty guidelines updated
25 periodically in the Federal Register by the United States

1 Department of Health and Human Services under the authority of
2 42 U.S.C. 9902(2) who was treated within the last 12 months by
3 a health care professional who is an employee or independent
4 contractor of the 340B grantee or 340B hospital.

5 Section 15. Enforcement. The Department is authorized to
6 enforce this Act and investigate possible violations of this
7 Act by any person, including a pharmaceutical manufacturer.

8 Section 20. Preemption.

9 (a) Nothing in this Act shall be construed or applied to be
10 less restrictive than federal law for a person regulated by
11 this Act.

12 (b) Nothing in this Act shall be construed or applied in a
13 manner that would conflict with:

14 (1) applicable federal law; or

15 (2) other laws of this State if the State law is
16 compatible with applicable federal law.

17 (c) Limited distribution of a drug required under 21
18 U.S.C. 355-1 shall not be construed as a violation of this Act.

19 Section 97. Severability. The provisions of this Act are
20 severable under Section 1.31 of the Statute on Statutes.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."