

RÉSUMÉ DIGEST

ACT 358 (HB 548)

2023 Regular Session

Turner

New law creates the "Defending Affordable Prescription Drug Costs" Act.

New law provides for definitions of certain terms including "340B drug" and "340B entity".

New law prohibits a health insurance issuer, pharmacy benefit manager, or other third-party payor or its agent from taking any of the following actions:

- (1) Reimbursing a 340B entity for 340B drugs at a lower rate than a non-340B entity.
- (2) Imposing additional or different terms, conditions, or fees on a 340B entity compared to a non-340B entity on the basis that the entity is a 340B entity or that the drug is a 340B drug.
- (3) Requiring a 340B entity to reverse, resubmit, or clarify a claim after initial adjudication unless these actions are in the normal course of pharmacy business.
- (4) Preventing or interfering with any patient's choice to receive 340B drugs from a 340B entity by placing any additional requirements, restrictions, or unnecessary burdens on 340B entities that result in administrative costs or fees unless the action is required by Medicare and Medicaid Services or the La. Dept. of Health.
- (5) Including any provision in a contract between a health insurance issuer, pharmacy benefit manager, or other third-party entity and a 340B entity that discriminates against a 340B entity or prevents or interferes with a patient's choice to receive a prescription drug from a 340B entity.
- (6) Requiring or compelling the submission of ingredient costs or pricing data pertaining to 340B drugs.
- (7) Excluding any 340B entity from a health insurance issuer, pharmacy benefit manager, or other third-party payor network on the basis that the 340B entity dispenses 340B drugs.

New law provides that the prohibitions on a health insurance issuer, pharmacy benefit manager, or other third-party payor shall not apply to the La. Medicaid program as a payor when Medicaid provides reimbursement for covered outpatient drugs in accordance with existing law.

New law prohibits actions by a manufacturer or distributor that would deny, restrict, prohibit, or otherwise interfere with the acquisition of a 340B drug by a pharmacy that is under contract with a healthcare facility that participates in the 340B drug discount program.

New law provides that the commission of any act prohibited by new law constitutes a violation Unfair Trade Practices and Consumer Protection Law except there shall be no right to bring private action.

New law provides that nothing in new law will be less restrictive than or construed to conflict with federal law.

Effective August 1, 2023.

(Adds R.S. 40:2881-2886)