

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 88

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

AN ACT

RELATING TO HEALTH; REQUIRING CERTAIN HEALTH CARE ENTITIES  
TO PARTICIPATE IN A FEDERAL PUBLIC HEALTH SERVICE PRESCRIPTION  
DRUG DISCOUNT PROGRAM; ALLOWING AN EXCEPTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public Health Act is  
enacted to read:

"~~[NEW MATERIAL]~~ FEDERAL PARTICIPATION REQUIRED--  
EXCEPTION.--

A. Except as provided in Subsection B of this  
section, all programs, clinics, hospitals and other health-  
related centers and entities, including those identified by the  
human services department pursuant to Paragraph (3) of  
Subsection A of Section 27-2-12.13 NMSA 1978, that are eligible  
under Section 340B of the federal Public Health Service Act,

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1 including hospitals and clinics licensed under the state Public  
2 Health Act, shall participate in that Section 340B federal  
3 prescription drug price discount program.

4 B. If an entity described in Subsection A of this  
5 section can demonstrate to the satisfaction of the department  
6 of health that the prescription drug price discount it receives  
7 other than through the Section 340B program results in greater  
8 savings to the state, the entity may be granted an exception to  
9 the requirements of this section."

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