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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:

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

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

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