

1 AN ACT
2 RELATING TO PRESCRIPTION DRUGS; PROHIBITING DISCRIMINATION
3 AGAINST ENTITIES PARTICIPATING IN THE FEDERAL 340B DRUG
4 PRICING PROGRAM.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 SECTION 1. PROHIBITION OF DISCRIMINATION AGAINST 340B
8 ENTITIES.--

9 A. As used in this section:

10 (1) "340B drug" means a drug that is
11 purchased at a discount in accordance with the 340B program
12 requirements;

13 (2) "340B program" means the federal drug
14 pricing program created pursuant to 42 U.S.C. Section 256b;

15 (3) "affiliate" means a person that directly
16 or indirectly controls, is controlled by or is under common
17 control with a manufacturer;

18 (4) "applicable entity" means an
19 organization that receives federal grant funding and is
20 recognized by the federal health resources and services
21 administration as a federally qualified health center or a
22 federally qualified health center lookalike; and

23 (5) "manufacturer" means an entity licensed
24 to manufacture prescription drugs pursuant to the Pharmacy
25 Act.

1 B. A manufacturer, a manufacturer's agent or an
2 affiliate of a manufacturer shall not directly or indirectly:

3 (1) deny, restrict, prohibit or interfere
4 with the acquisition of a 340B drug by, or delivery of a 340B
5 drug to, a pharmacy contractually obligated with an
6 applicable entity and is authorized to receive and dispense
7 340B drugs on behalf of the applicable entity unless receipt
8 of the 340B drugs is prohibited by the United States
9 department of health and human services;

10 (2) interfere with the ability of a pharmacy
11 contracted with an applicable entity to dispense 340B drugs
12 to the applicable entity's eligible patients; or

13 (3) require an applicable entity to submit
14 any claims, utilization, purchasing or other data as a
15 condition for allowing the acquisition of a 340B drug by, or
16 delivery of a 340B drug to, an applicable entity unless the
17 sharing of claims or utilization data is required by federal
18 law.

19 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
20 provisions of this act is January 1, 2026. _____

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