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SENATE BILL 264

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

INTRODUCED BY

Sue Wilson Beffort

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

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,

. 149275. 1GR

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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underscored material = new
[bracketed material] = delete