

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."

HCPAC/HB 88