

SB 253-FN - AS INTRODUCED

2025 SESSION

25-1102  
05/08

SENATE BILL        ***253-FN***

AN ACT            relative to participation in the federal 340B Drug Pricing Program.

SPONSORS:        Sen. Reardon, Dist 15; Sen. Gannon, Dist 23

COMMITTEE:      Health and Human Services

---

ANALYSIS

This bill prohibits a drug manufacturer from denying or restricting acquisition or delivery of a 340B covered drug by a covered entity unless receipt of the drug is prohibited by federal law. The bill also prohibits a drug manufacturer from requiring certain claims or utilization data from the 340B covered entity unless required by federal law. The bill makes such actions a violation of the consumer protection act.

-----

Explanation:      Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT relative to participation in the federal 340B Drug Pricing Program.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Paragraph; Trade and Commerce; Regulation of Business Practices for Consumer  
2 Protection. Amend RSA 358-A:2 by inserting after paragraph XIX the following new paragraph:

3           XX. A drug manufacturer under RSA 318, an agent or affiliate of such manufacturer, or a  
4 distributor or third-party logistics provider of such manufacturer's drugs, directly or indirectly:

5                 (a) Denying, restricting, or prohibiting the acquisition of a 340B covered drug, as defined  
6 in 42 U.S.C. section 256b et seq., by, or delivery of a 340B covered drug to, any location authorized  
7 by a 340B covered entity, as defined in 42 U.S.C. section 256b et seq., to receive such 340B covered  
8 drug, unless receipt of the 340B covered drug is prohibited by federal law; and/or

9                 (b) Requiring a 340B covered entity to submit any claims or utilization data as a  
10 condition for allowing the acquisition of a 340B covered drug by, or delivery of a 340B covered drug  
11 to, a 340B covered entity unless the claims or utilization data sharing is required by federal law.

12           2 Effective Date. This act shall take effect January 1, 2026.

**SB 253-FN- FISCAL NOTE**  
AS INTRODUCED

AN ACT relative to participation in the federal 340B Drug Pricing Program.

**FISCAL IMPACT:** This bill does not provide funding, nor does it authorize new positions.

<b>Estimated State Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Revenue</b>	\$0	Indeterminable Increase		
<i>Revenue Fund(s)</i>	General Fund			
<b>Expenditures*</b>	\$0	Indeterminable Increase more than \$100,000 to \$500,000 or less		
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	Indeterminable Decrease		
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable Decrease		

**METHODOLOGY:**

This bill prohibits drug manufacturers from denying, restricting, or prohibiting the acquisition or delivery of 340B covered drugs to these covered entities unless required by federal law. Additionally, it prevents manufacturers from requiring certain claims or utilization data from covered entities unless mandated by federal law. Violations of these provisions would be considered breaches of the consumer protection act.

The Insurance Department does not anticipate significant costs related to this bill, as it assumes that market actors such as insurers, third-party administrators, and drug manufacturers do not currently engage in the conduct addressed by the bill. However, if discriminatory pricing and/or pharmacy steering practices do exist concerning 340B entities and covered drugs, the bill could result in long-term savings for individuals and eligible 340B entities. These anticipated savings would likely have a minor, yet positive, fiscal impact at the state, county, or municipal level,

aligning with the Federal 340B program's intent to help covered entities extend limited Federal resources.

The Department of Justice states this bill is expected to have a fiscal impact on the Department due to the potential increase in investigations and enforcement actions overseen by the Consumer Protection and Antitrust Bureau. However, since the exact number of additional investigations and enforcement actions is currently unknown, the fiscal impact cannot be precisely determined. It is estimated to be between \$100,000 and \$500,000 or less. Additionally, the estimated revenue through investigation fees and other court fees is indeterminable due to the unknown number of actions that would take place as a result of this bill.

**AGENCIES CONTACTED:**

Insurance Department and Department of Justice