

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 984

Introduced by Hardin, 48.

Read first time January 05, 2024

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to health care; to define terms; to prohibit
- 2 certain actions relating to 340B entities; to provide for an
- 3 injunction; and to provide severability.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For the purposes of this section:

2 (a) 340B drug means a drug that a 340B entity may purchase at a
3 reduced price pursuant to 42 U.S.C. 256b;

4 (b) 340B entity means an entity authorized to participate in the
5 federal 340B drug discount program, as described in 42 U.S.C. 256b(a)(4);

6 (c) Manufacturer has the same meaning as in section 71-7438; and

7 (d) Wholesale drug distributor has the same meaning as in section
8 71-7445.

9 (2) If a 340B entity has ordered a 340B drug from any manufacturer
10 or wholesale drug distributor, such manufacturer or wholesale drug
11 distributor shall not directly or indirectly deny, restrict, prohibit,
12 refuse, withhold, or otherwise interfere with the acquisition of a 340B
13 drug by, or delivery of such drug to, any pharmacy that is under contract
14 with the 340B entity to distribute 340B drugs.

15 (3) The Attorney General or any county attorney may institute an
16 action in the name of the State of Nebraska for an injunction or other
17 process against any person to restrain or prevent any violation of this
18 section.

19 (4) Nothing in this section shall be construed or applied to
20 conflict with federal law or any other law of the State of Nebraska, if
21 such law is compatible with applicable federal law.

22 Sec. 2. If any section in this act or any part of any section is
23 declared invalid or unconstitutional, the declaration shall not affect
24 the validity or constitutionality of the remaining portions.