

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 168**

Introduced by Hardin, 48; DeKay, 40; Hallstrom, 1; Kauth, 31; Lippincott, 34; McKeon, 41; Murman, 38; Raybould, 28; Spivey, 13.

Read first time January 13, 2025

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to health care; to adopt the 340B Contract
- 2 Pharmacy Protection Act; to provide severability; and to declare an
- 3 emergency.
- 4 Be it enacted by the people of the State of Nebraska,

1        **Section 1.** Sections 1 to 5 of this act shall be known and may be  
2 cited as the 340B Contract Pharmacy Protection Act.

3        **Sec. 2.** For purposes of the 340B Contract Pharmacy Protection Act:

4        (1) 340B drug means a drug that a 340B entity may purchase at a  
5 reduced price pursuant to 42 U.S.C. 256b, as such section existed on  
6 January 1, 2025;

7        (2) 340B entity means a covered entity as defined in 42 U.S.C.  
8 256b(a)(4), as such section existed on January 1, 2025; and

9        (3) Manufacturer has the same meaning as in section 71-7438.

10       **Sec. 3.** (1) Any manufacturer, agent or affiliate of such  
11 manufacturer, or distributor or third-party logistics provider of such  
12 manufacturer's drugs shall not, either directly or indirectly, deny,  
13 restrict, or prohibit the acquisition of any 340B drug by or delivery of  
14 any 340B drug to any location authorized by any 340B entity to receive  
15 such 340B drug, unless receipt of such 340B drug is prohibited by federal  
16 law.

17       (2) Any manufacturer, agent or affiliate of such manufacturer, or  
18 distributor or third-party logistics provider shall not, either directly  
19 or indirectly, require any 340B entity to submit any data, including any  
20 claim data, utilization data, encounter data, medical data, purchasing  
21 data, or other data, as a condition for allowing the acquisition of any  
22 340B drug by or delivery of any 340B drug to any 340B entity or to any  
23 location authorized by any 340B entity to receive such 340B drug, unless  
24 such data is required by federal law.

25       **Sec. 4.** The Attorney General or any county attorney may institute  
26 an action in the name of the State of Nebraska for an injunction or other  
27 process to restrain or prevent any violation of the 340B Contract  
28 Pharmacy Protection Act.

29       **Sec. 5.** Nothing in the 340B Contract Pharmacy Protection Act shall  
30 be construed or applied to conflict with federal law or any other law of  
31 the State of Nebraska, if such law is compatible with applicable federal

1 law.

2           **Sec. 6.** If any section in this act or any part of any section is  
3 declared invalid or unconstitutional, the declaration shall not affect  
4 the validity or constitutionality of the remaining portions.

5           **Sec. 7.** Since an emergency exists, this act takes effect when  
6 passed and approved according to law.