

1.1 moves to amend H.F. No. 3609 as follows:

1.2 Page 1, after line 6, insert:

1.3 "Sec. Minnesota Statutes 2024, section 62J.96, subdivision 1, is amended to read:

1.4 Subdivision 1. **Manufacturers.** (a) A manufacturer must not directly or indirectly restrict,
1.5 prohibit, or otherwise interfere with the delivery of a covered outpatient drug to a pharmacy
1.6 that is under contract with a 340B covered entity to receive and dispense covered outpatient
1.7 drugs on behalf of the covered entity, unless the delivery of the drug to the pharmacy is
1.8 prohibited under the 340B Drug Pricing Program.

1.9 (b) Nothing in this section prohibits a manufacturer, as a condition of the acquisition of
1.10 a covered outpatient drug by, or delivery of a the drug to, a pharmacy that is under contract
1.11 with or otherwise authorized by a 340B covered entity to receive covered outpatient drugs
1.12 on behalf of the covered entity, from requesting additional information from the 340B
1.13 covered entity with respect to the covered outpatient drug dispensed through the pharmacy,
1.14 provided that:

1.15 (1) the information requested is provided directly to the requesting manufacturer, or an
1.16 entity under contract with the manufacturer to receive the information;

1.17 (2) the information requested directly pertains to the 340B covered entity's compliance
1.18 with United States Code, title 42, section 256b(a)(5), as supported by a written explanation
1.19 by the manufacturer of how the information pertains to compliance, and the manufacturer
1.20 only uses the information to verify the covered entity's compliance with the federal law;

1.21 (3) the information provided is not used by a pharmacy benefit manager, third-party
1.22 administrator, or any other entity to reduce reimbursement to the 340B covered entity or as
1.23 a basis for imposing fees, chargebacks, clawbacks, adjustments, or other assessments on
1.24 the 340B covered entity; and

2.1 (4) the manufacturer takes reasonable measures to minimize the burden on the 340B
2.2 covered entity for providing the information."

2.3 Page 1, after line 11, insert:

2.4 "Sec. **[62J.961] 340B COVERED ENTITIES.**

2.5 Subdivision 1. Definitions. (a) For purposes of this section, the following definitions
2.6 apply.

2.7 (b) "340B covered entity" has the meaning provided in section 340B(a)(4) of the Public
2.8 Health Service Act.

2.9 (c) "Covered outpatient drug" has the meaning provided in section 1927(k) of the Social
2.10 Security Act.

2.11 Subd. 2. Out-of-state pharmacies. A 340B covered entity must not contract with any
2.12 pharmacy, other than a speciality pharmacy or a mail order pharmacy, that is located outside
2.13 the state for provision of covered outpatient drugs under the 340B Drug Pricing Program."

2.14 Renumber the sections in sequence and correct the internal references

2.15 Amend the title accordingly