

SENATE BILL No. 284

By Committee on Federal and State Affairs

3-3

AN ACT concerning prescription drugs; relating to the federal 340B drug pricing program; enacting the defense of drug delivery act to prohibit manufacturer interference relating to 340B drug distribution.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Sections 1 through 9, and amendments thereto, shall be known and may be cited as the defense of drug delivery act.

Sec. 2. As used in this act:

(a) "340B drug" means a drug that:

(1) Is a covered outpatient drug within the federal 340B drug pricing program authorized by 42 U.S.C. § 256b;

(2) has been subject to any offer for reduced prices by a manufacturer under 42 U.S.C. § 256b(a)(1); and

(3) is purchased by a covered entity. A drug shall be considered purchased if such drug would have been purchased except for the restriction or limitation described in section 3, and amendments thereto.

(b) ["Attorney general" means the attorney general of the state of Kansas or the attorney general's designee.

(c) "Biological product" means the same as defined in 42 U.S.C. § 262(i), as in effect on January 1, 2025.

(d) "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

(e) "Covered entity" means the same as defined in 42 U.S.C. § 256b(a)(4), as in effect on January 1, 2025.

(f) "Distribute" or "distribution" means the same as defined in K.S.A. 65-1626, and amendments thereto.

(g) "Federal healthcare program" means any plan or program that provides health benefits, whether directly, through insurance or otherwise, that is funded directly, in whole or in part, by the United States government or any state health care program as defined in 42 U.S.C. § 1320a-7(h), as in effect on January 1, 2025.

(h) "Health information" means any information, including demographic information collected from an individual or a group of individuals, that:

(1) Is created or received by a healthcare provider, pharmacy, health plan, employer or healthcare clearinghouse; and

"340B patient" means an individual who is low-income, underinsured and who does not qualify for Medicare or Medicaid.
and by redesignating subsections accordingly.

Proposed Amendment to SB 284
For Senate Committee on Financial Institutions and Insurance
By Eileen Ma
Office of Revisor of Statutes
March 17, 2025