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Industry Voices — DOJ Jumps Into 340B Cases Over State Law, Raising Questions About Federal Plans for the Program

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In February 2026, the Department of Justice filed amicus briefs supporting pharmaceutical manufacturers, asserting that Rhode Island and Colorado's 340B laws conflict with the federal 340B Program and are preempted under the Supremacy Clause, which makes valid federal law override conflicting state law.

By siding with manufacturers, DOJ signals a potential shift in how the federal government views the 340B Program, the role of states, and the balance of authority between the Health Resources and Services Administration (HRSA) and state regulators.

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