

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH
DAKOTA

**AbbVie Inc. et al. v. Drew Wrigley et al.; AstraZeneca
Pharmaceuticals LP v. Drew Wrigley et al.; Pharmaceutical Research
and Manufacturers of America v. Drew Wrigley et al.**

Wrigley · No. 1:25-cv-00081; 1:25-cv-00182; 1:25-cv-00204 · Decided April 27, 2026

SUMMARY

This order resolves cross-motions for summary judgment and a motion for judgment on the pleadings in consolidated cases challenging North Dakota House Bill 1473, which regulates manufacturers’ distribution and data conditions concerning drugs purchased through the federal 340B program. The court interprets the statute, addresses standing and federal preemption, and considers related constitutional claims. The order grants, denies, or finds moot the various motions in whole or in part, with the specific disposition depending on the claim and plaintiff.

CASE DETAILS

COURT	United States District Court for the District of North Dakota
WRITING FOR THE COURT	Daniel M. Traynor
JURISDICTION	United States District Court for the District of North Dakota
DECIDED	April 27, 2026
DOCKET	1:25-cv-00081; 1:25-cv-00182; 1:25-cv-00204
DISPOSITION	other
PROCEDURAL POSTURE	Consolidated plaintiffs sought declaratory and injunctive relief against North Dakota's H.B. 1473, which regulates manufacturers' conditions on sales and delivery of drugs under the federal 340B Drug Pricing Program. AbbVie and PhRMA moved for summary judgment; North Dakota filed cross-motions for summary judgment and moved for judgment on the pleadings against AstraZeneca. The court resolved the summary-judgment motions, denied judgment on the pleadings, declared H.B. 1473 unconstitutional, and entered a permanent injunction against enforcement against the specified plaintiffs and qualifying PhRMA members.
STANDARD OF REVIEW	Summary judgment is proper when, viewing the evidence in the light most favorable to the nonmovant, there is no genuine dispute of

material fact and the movant is entitled to judgment as a matter of law. Judgment on the pleadings is proper when the moving party is entitled to judgment as a matter of law, accepting the complaint's factual allegations as true and drawing reasonable inferences for the plaintiff; the complaint must state a plausible claim for relief.

PRECEDENTIAL VALUE

unpublished district court order; persuasive only

PARTIES

AbbVie Inc. and co-plaintiffs, AstraZeneca Pharmaceuticals LP, Pharmaceutical Research and Manufacturers of America v. Drew Wrigley, in his official capacity as Attorney General of North Dakota, Tanya Schmidt, in her official capacity as President of the North Dakota Board of Pharmacy, Members of the North Dakota Board of Pharmacy, Mark Hardy, in his official capacity as Executive Director of the North Dakota Board of Pharmacy

TOPICS

preemption

dormant commerce clause

summary judgment

motion for judgment on the pleadings

statutory interpretation

PRACTICE AREAS

health law

constitutional law

federal courts

civil procedure

administrative and regulatory law

QUESTIONS PRESENTED

1. Whether H.B. 1473's definition of 'drug' limits the statute to drugs already purchased under the 340B pricing scheme or also reaches drugs to be purchased.
2. Whether H.B. 1473 is field preempted by the federal 340B statute because it impermissibly alters a federal spending-program relationship and deters manufacturer participation.
3. Whether H.B. 1473 violates the dormant Commerce Clause by directly regulating the price and terms of interstate transactions involving out-of-state manufacturers and wholesalers.
4. Whether H.B. 1473 is preempted by federal patent law, conflicts with the 340B statute's data and audit provisions, violates the Contracts Clause, or constitutes a taking, such that AstraZeneca stated plausible claims.
5. Whether the plaintiffs were entitled to declaratory and permanent injunctive relief and whether the statute could be severed.

HOLDINGS

1. The statute unambiguously applies to drugs purchased under the 340B pricing scheme and does not extend to drugs merely 'to be purchased.'

2. H.B. 1473 is field preempted by the federal 340B statute because it changes the terms of a federal spending program and deters manufacturers from participating in that program.
3. H.B. 1473 violates the dormant Commerce Clause because it directly regulates the price and terms of transactions between out-of-state manufacturers and out-of-state wholesalers.
4. AstraZeneca plausibly stated claims that H.B. 1473 is preempted by patent law and the 340B statute, violates the Contracts Clause, and effects a taking; North Dakota was not entitled to judgment on the pleadings.
5. Declaratory judgment and a permanent injunction were appropriate, and the court declined to sever H.B. 1473 because the statute's provisions could not operate independently from its unconstitutional focus.

KEY QUOTATIONS

“The offer a 340B manufacturer makes to a 340B covered entity is governed by the 340B program and Congress. States have no part in that relationship.” (¶ 59)

“If the State intends not to enforce the statute against out-of-state transactions, then the law would never be enforced.” (¶ 66)

“The Court DECLARES H.B. 1473 is unconstitutional and violates the Supremacy Clause and the Commerce Clause.” (¶ 89)

FACTUAL BACKGROUND

The federal 340B Drug Pricing Program requires participating drug manufacturers to offer covered entities certain drugs at discounted prices as a condition of participation in Medicare and Medicaid. Manufacturers began imposing conditions on those offers, including limits on contract-pharmacy delivery and requirements for claims data, after federal authorities asserted that the 340B statute required delivery to unlimited pharmacies. North Dakota enacted H.B. 1473, which prohibits manufacturers and related entities from interfering with contract-pharmacy acquisition or dispensing, requiring claims data as a condition of receiving drugs, or using certain rebate arrangements, and imposes civil and criminal penalties. The plaintiffs alleged that the law interferes with manufacturer participation in the federal program and regulates out-of-state transactions.

PROCEDURAL HISTORY

AbbVie, AstraZeneca, and PhRMA filed separate actions challenging H.B. 1473 under federal preemption and constitutional theories. The cases were consolidated after an order to show cause, and the court held a hearing on the motions on March 27, 2026. The order granted relief to AbbVie and PhRMA on dormant-Commerce-Clause and preemption claims, denied North Dakota's motion for judgment on the pleadings in AstraZeneca's case, declared the statute unconstitutional, permanently enjoined its enforcement against specified parties, and severed AstraZeneca's case for continued proceedings.

DISPOSITION

other

REMAND INSTRUCTIONS

The AstraZeneca action was severed and remains pending under Case No. 1:25-cv-00182. The court retained jurisdiction as necessary to enforce the order.

CASES CITED

- Astra USA, Inc. v. Santa Clara County, 563 U.S. 110, 113 (2011)
- Novartis Pharmaceuticals Corp. v. Johnson, 102 F.4th 452, 456-57 (D.C. Cir. 2024)
- Sanofi Aventis U.S. LLC v. HHS, 58 F.4th 696, 700-07 (3d Cir. 2023)
- PhRMA v. McClain, 95 F.4th 1136, 1140-46 (8th Cir. 2024)
- PhRMA v. McCuskey, 171 F.4th 675, 687-89 (4th Cir. 2026)
- Association for Accessible Medicines v. Ellison, 140 F.4th 957, 959-60 (8th Cir. 2025)
- National Pork Producers Council v. Ross, 598 U.S. 356, 368, 390 (2023)
- PhRMA v. Walsh, 538 U.S. 644, 669 (2003)
- Biotechnology Industry Organization v. District of Columbia, 496 F.3d 1362, 1365, 1372-74 (Fed. Cir. 2007)
- Equipment Manufacturers Institute v. Janklow, 300 F.3d 842, 850 (8th Cir. 2002)
- Southeast Arkansas Hospice, Inc. v. Burwell, 815 F.3d 448, 450 (8th Cir. 2016)
- AbbVie v. Bailey, Case No. 4:24-cv-00996-SRC, 2025 WL 1918948 (E.D. Mo. July 11, 2025)