H. R. 7838

To provide for certain temporary waivers with respect to the 340B drug discount program due to the COVID–19 public health emergency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2020

Ms. MATSUI (for herself and Mr. STEWART) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for certain temporary waivers with respect to the 340B drug discount program due to the COVID–19 public health emergency, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY WAIVERS WITH RESPECT TO THE

340B DRUG DISCOUNT PROGRAM DUE TO THE

COVID–19 PUBLIC HEALTH EMERGENCY.

(a) Temporary Waiver of Minimum Dispropor-
tionate Share Adjustment Percentage Require-
ment for Certain Covered Entities.—In the case of
an entity that met the requirements of a covered entity
described in subparagraph (L), (M), or (O) of section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)), and that was participating or had applied to participate in the drug discount program under such section 340B, as of the day before the emergency period went into effect, the Secretary of Health and Human Services shall, for each calendar quarter with respect to which eligibility for such drug discount program is based on a cost reporting period during any portion of which such emergency period is in effect, deem such entity as continuing to meet the minimum disproportionate share adjustment percentage requirement applicable to such entity under such subparagraph (L), (M), or (O), as the case may be.

(b) Temporary Waiver of Prohibition on Obtaining Covered Outpatient Drugs Through Group Purchasing Organizations for Certain Covered Entities.—During the emergency period, a covered entity described in subparagraph (L) or (M) of section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) may, notwithstanding clause (iii) of such subparagraph (L), obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement.

(c) Emergency Period Defined.—For purposes of this section, the term “emergency period” means the pe-
period during which there exists the public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act on January 31, 2020, with respect to COVID–19.