

119TH CONGRESS
2D SESSION

H. R. 7895

To amend section 408 of the Employee Retirement Income Security Act of 1974 to prohibit kickbacks to pharmacy benefit managers.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2026

Mr. ALLEN introduced the following bill; which was referred to the Committee on Education and Workforce

A BILL

To amend section 408 of the Employee Retirement Income Security Act of 1974 to prohibit kickbacks to pharmacy benefit managers.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “PBM Kickback Prohi-
5 bition Act”.

6 **SEC. 2. PBM KICKBACK PROHIBITION.**

7 (a) IN GENERAL.—Section 408(b)(2)(B) of the Em-
8 ployee Retirement Income Security Act (29 U.S.C.
9 1108(b)(2)(B)) is amended by adding at the end the fol-
10 lowing:

1 “(x) In the case of a contract or arrangement
2 between a covered plan and a covered service pro-
3 vider for pharmacy benefit management services, no
4 amount of compensation may be paid, directly or in-
5 directly, by such service provider to a brokerage
6 firm, broker, consultant, advisor, or any other indi-
7 vidual for the referral of the covered plan’s or health
8 insurance issuer’s business to the covered service
9 provider.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall apply for plan years beginning after the
12 date of enactment of this Act.

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