

119TH CONGRESS
2D SESSION

H. R. 8143

To amend title XVIII of the Social Security Act to require PDP sponsors of a prescription drug plan under part D of the Medicare program that use a formulary to include certain generic drugs and biosimilar biological products on such formulary, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2026

Ms. MATSUI (for herself, Mrs. MILLER-MEEKS, and Mr. AUCHINCLOSS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to require PDP sponsors of a prescription drug plan under part D of the Medicare program that use a formulary to include certain generic drugs and biosimilar biological products on such formulary, and for other purposes.

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 “Ensuring Access to
5 Lower-Cost Medicines for Seniors Act of 2026.”

1 **SEC. 2. REQUIREMENTS FOR PDP SPONSORS OF PRESCRIP-**
2 **TION DRUG PLANS UNDER PART D OF THE**
3 **MEDICARE PROGRAM THAT USE**
4 **FORMULARIES.**

5 Section 1860D–4(b)(3) of the Social Security Act (42
6 U.S.C. 1395w–104(b)(3)) is amended by adding at the
7 end the following new subparagraph:

8 “(J) REQUIRED INCLUSION OF CERTAIN
9 GENERIC DRUGS AND BIOSIMILAR BIOLOGICAL
10 PRODUCTS.—

11 “(i) IN GENERAL.—With respect to a
12 plan year beginning on or after January 1,
13 2027, the formulary shall include in a pre-
14 ferred position relative to the reference
15 drug—

16 “(I) each covered generic drug
17 for which the wholesale acquisition
18 cost is less than the wholesale acqui-
19 sition cost of the reference drug of such
20 covered generic drug; and

21 “(II) at least two covered bio-
22 similar biological products for which
23 the wholesale acquisition cost is less
24 than the wholesale acquisition cost of
25 the reference biological product of

1 such covered biosimilar biological
2 product.

3 “(ii) PROHIBITION ON CERTAIN LIM-
4 ITS ON ACCESS.—The PDP sponsor offer-
5 ing the prescription drug plan may not im-
6 pose limits on access to a covered generic
7 drug required to be included on the for-
8 mulary under clause (i)(I) or a covered
9 biosimilar biological product required to be
10 included on the formulary under clause
11 (i)(II), including through utilization man-
12 agement techniques such as prior author-
13 ization, or step therapy, that are more re-
14 strictive than any such limits imposed on
15 access to the reference drug of such cov-
16 ered generic drug or reference biological
17 product of such covered biosimilar biologi-
18 cal product, respectively, or that otherwise
19 have the effect of limiting the availability
20 to enrollees of such covered generic drug or
21 covered biosimilar biological product rel-
22 ative to such reference drug or reference
23 biological product over such covered ge-
24 neric drug or covered biosimilar biological
25 product, respectively.

1 “(iii) DEFINITIONS.—In this subpara-
2 graph and subparagraph (J):

3 “(I) COVERED BIOSIMILAR BIO-
4 LOGICAL PRODUCT.—The term ‘cov-
5 ered biosimilar biological product’
6 means a covered part D drug that is
7 a biosimilar biological product (as de-
8 fined in section 1847A(c)(6)(H)).

9 “(II) COVERED GENERIC
10 DRUG.—The term ‘covered generic
11 drug’ means a covered part D drug
12 that is a drug described in section
13 1860D–2(e)(1)(A) and approved
14 under section 505(j) of the Federal
15 Food, Drug, and Cosmetic Act.

16 “(III) PREFERRED POSITION.—
17 The term ‘preferred position’ means a
18 product is placed on a more favorable
19 formulary tier and has lower patient
20 out-of-pocket costs than the cor-
21 responding reference drug or ref-
22 erence biological product.

23 “(IV) REFERENCE BIOLOGICAL
24 PRODUCT.—The term ‘reference bio-

logical product’ has the meaning given
such term in section 1847A(c)(6)(I).

“(V) REFERENCE DRUG.—The
term ‘reference drug’ means, with re-
spect to a covered generic drug, the
listed drug (as described in clause (i)
of section 505(j)(2)(A) of the Federal
Food, Drug, and Cosmetic Act) that
is referred to in the abbreviated appli-
cation for such covered generic drug
under such section.

“(VI) WHOLESale ACQUISITION
COST.—The term ‘wholesale acquisi-
tion cost’ has the meaning given such
term in section 1847A(c)(6)(B).”.

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