

114TH CONGRESS
1ST SESSION

S. 1906

To clarify the exclusion of orphan drug sales from the calculation of the annual fee on branded prescription pharmaceutical manufacturers and importers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2015

Mr. MENENDEZ (for himself and Mr. CRAPO) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To clarify the exclusion of orphan drug sales from the calculation of the annual fee on branded prescription pharmaceutical manufacturers and importers, 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 “Orphan Drug Fairness
5 Act”.

6 **SEC. 2. EXCLUSION OF ORPHAN DRUG SALES.**

7 (a) IN GENERAL.—Paragraph (3) of section 9008(e)
8 of the Patient Protection and Affordable Care Act (26

1 U.S.C. 4001 note prec.; Public Law 111–148) is amended
2 to read as follows:

3 “(3) EXCLUSION OF ORPHAN DRUG SALES.—

4 The term ‘branded prescription drug sales’ shall not
5 include sales of any drug or biological product with
6 respect to which a credit was allowable for any tax-
7 able year under section 45C of the Internal Revenue
8 Code of 1986, regardless of whether such credit was
9 claimed and received. The preceding sentence shall
10 not apply with respect to any such drug or biological
11 product after the date on which such drug or bio-
12 logical product is approved by the Food and Drug
13 Administration for marketing for any indication
14 other than the treatment of the rare disease or con-
15 dition with respect to which such credit was allow-
16 able.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall take effect as if included in section
19 9008 of the Patient Protection and Affordable Care Act
20 (26 U.S.C. 4001 note prec.; Public Law 111–148).

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