

116TH CONGRESS
1ST SESSION

H. R. 5442

To amend title XXVII of the Public Health Service Act and title XVIII of the Social Security Act to require pharmacies to disclose any differential between the cost of a prescription drug based on whether certain individuals use prescription drug coverage to acquire such drug, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2019

Ms. PORTER (for herself and Ms. DELAURO) 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 XXVII of the Public Health Service Act and title XVIII of the Social Security Act to require pharmacies to disclose any differential between the cost of a prescription drug based on whether certain individuals use prescription drug coverage to acquire such drug, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Lowest Price for Pa-
3 tients Act”.

4 **SEC. 2. REQUIREMENT FOR PHARMACIES TO DISCLOSE**
5 **ANY DIFFERENTIAL BETWEEN THE COST OF**
6 **A PRESCRIPTION DRUG BASED ON WHETHER**
7 **CERTAIN INDIVIDUALS USE PRESCRIPTION**
8 **DRUG COVERAGE TO ACQUIRE SUCH DRUG.**

9 (a) ENROLLEES OF PRESCRIPTION DRUG COVERAGE
10 UNDER A GROUP HEALTH PLAN OR A HEALTH INSUR-
11 ANCE ISSUER OFFERING GROUP OR INDIVIDUAL HEALTH
12 INSURANCE COVERAGE.—Section 2729(a) of the Public
13 Health Service Act (42 U.S.C. 300gg–29(a)) is amend-
14 ed—

15 (1) in paragraph (1)—

16 (A) by striking “not restrict, directly or in-
17 directly,” and inserting “provide that”; and

18 (B) by striking “from informing (or penal-
19 ize such pharmacy for informing)” and insert-
20 ing “inform”; and

21 (2) in paragraph (2)—

22 (A) by striking “ensure” and inserting
23 “provide”;

24 (B) by striking “does not, with respect to
25 such plan or coverage, restrict, directly or indi-

1 rectly,” and inserting “requires under such con-
 2 tract that”; and

3 (C) by striking “from informing (or penal-
 4 ize such pharmacy for informing)” and insert-
 5 ing “inform”.

6 (b) ENROLLEES OF PRESCRIPTION DRUG COVERAGE
 7 UNDER A PRESCRIPTION DRUG PLAN OR MA-PD
 8 PLAN.—Section 1860D–4 of the Social Security Act (42
 9 U.S.C. 1395w–104) is amended—

10 (1) by redesignating the subsection (m) as in-
 11 serted by section 6063(c) of the SUPPORT for Pa-
 12 tients and Communities Act as subsection (n); and

13 (2) by adding at the end the following new sub-
 14 section:

15 “(o) PHARMACY DISCLOSURE OF THE PRICE OF A
 16 DRUG FOR AN ENROLLEE USING AND NOT USING PRE-
 17 SCRIPTON DRUG COVERAGE.—For plan year 2020 and
 18 each subsequent plan year, a PDP sponsor and a Medicare
 19 Advantage organization offering a prescription drug plan
 20 or MA–PD plan under a contract with an entity that pro-
 21 vides pharmacy benefits management services on behalf
 22 of such MA–PD plan shall provide that each pharmacy
 23 that dispenses a coverage part D drug shall inform an en-
 24 rollee of any differential between—

1 “(1) the price of the drug for an individual that
2 is an enrollee under such prescription drug plan or
3 MA–PD plan (as the case may be) using such plan;
4 and

5 “(2) the price of the drug for such individual
6 described in paragraph (1) without using such
7 plan.”.

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