

AMENDMENT

OFFERED BY M. _____

Strike section 202 and insert the following new section (and update the table of contents accordingly):

1 **SEC. 202. REQUIREMENT TO PROVIDE 100 PERCENT OF**
2 **CERTAIN NEGOTIATED PRICE CONCESSIONS**
3 **FOR INSULIN AT POINT-OF-SALE UNDER**
4 **PART D OF MEDICARE PROGRAM.**

5 (a) IN GENERAL.—Section 1860D–2(d)(1) of the So-
6 cial Security Act (42 U.S.C. 1395w–102(d)(1)) is amend-
7 ed—

8 (1) in subparagraph (A), by striking “Under”
9 and inserting “Subject to subparagraph (D),
10 under”; and

11 (2) by adding at the end the following new sub-
12 paragraph:

13 “(D) REQUIREMENT TO PROVIDE 100 PER-
14 CENT OF CERTAIN NEGOTIATED PRICE CONCES-
15 SIONS FOR INSULIN AT POINT-OF-SALE.—

16 “(i) IN GENERAL.—Subject to clause
17 (ii), for plan years beginning on or after
18 January 1, 2022, 100 percent of the price
19 concessions negotiated between manufac-

1 turers and a prescription drug plan or
2 MA–PD plan and taken into account
3 under subparagraph (B) in determining
4 negotiated prices for covered part D drugs
5 that are insulin provided under such a plan
6 shall be provided to enrollees of such a
7 plan at pharmacies or by mail order service
8 at the point-of-sale of such drugs.

9 “(ii) MODIFICATION OF MINIMUM
10 PERCENTAGE.—The Secretary may,
11 through notice and comment rulemaking,
12 modify the minimum percentage required
13 under clause (i), except that in no case
14 may such minimum percentage be less
15 than 50 percent for plan years beginning
16 on or after January 1, 2024.”.

17 (b) STUDY AND REPORT.—Not later than two years
18 after the date of the enactment of this Act, the Comp-
19 troller General of the United States shall conduct a study
20 and submit to the Committees on Energy and Commerce,
21 Ways and Means, and Education and Labor of the House
22 of Representatives and the Committees on Finance and
23 Health, Education, Labor, and Pensions of the Senate a
24 report on the effects of the implementation of the require-
25 ment described in subparagraph (D) of section 1860D–

1 2(d)(1) of the Social Security Act (42 U.S.C. 1395w–
2 102(d)(1)), as added by subsection (a). The Comptroller
3 General shall include in such study and report an analysis
4 of each of the following:

5 (1) Any trends in the list and net prices of in-
6 sulin.

7 (2) Any savings for enrollees of prescription
8 drug plans or MA–PD plans under the Medicare
9 program as a result of such requirement.

10 (3) Any trends in out-of-pocket costs for such
11 enrollees, as compared to enrollees of employer-spon-
12 sored plans, State plans under the Medicaid pro-
13 gram, and plans offered through an Exchange estab-
14 lished under title I of Public Law 111–148.

15 (4) Pathways for the market entry of generic
16 drugs and biosimilar biological products for insulin.

17 (5) Recommendations to Congress on how to
18 enhance patient access to, and lower patient out-of-
19 pocket costs of, insulin.

In section 301(e)(1)—

(1) strike “, as amended by section 202, is fur-
ther amended by inserting after section 1860D–
14B” and insert “is amended by inserting after sec-
tion 1860D–14A (42 U.S.C. 1395w–114a)”;

(2) in the matter proposed to be inserted as section 1860D–14C of the Social Security Act, amend the heading of such section 1860D–14C to read as follows: “**SEC. 1860D–14B. MANUFACTURER DISCOUNT PROGRAM.**”.

