

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO COMMITTEE PRINT FOR SUBTITLE E RELATING TO DRUG PRICING

OFFERED BY M__. _____

Add at the end of section 30512 the following:

1 (c) NEGOTIATED PRICE CONCESSIONS FOR INSULIN
2 AT POINT-OF-SALE UNDER PART D OF MEDICARE PRO-
3 GRAM.—

4 (1) IN GENERAL.—Section 1860D–2(d)(1) of
5 the Social Security Act (42 U.S.C. 1395w–
6 102(d)(1)) is amended—

7 (A) in subparagraph (A), by striking
8 “Under” and inserting “Subject to subpara-
9 graph (D), under”; and

10 (B) by adding at the end the following new
11 subparagraph:

12 “(D) NEGOTIATED PRICE CONCESSIONS
13 FOR INSULIN AT POINT-OF-SALE.—

14 “(i) IN GENERAL.—For drugs dis-
15 pensed in plan year 2022 or a subsequent
16 plan year, the minimum percentage de-
17 scribed in clause (ii) for such plan year of

1 price concessions negotiated between man-
2 ufacturers and a prescription drug plan or
3 MA–PD plan (or any entity that provides
4 pharmacy benefits management services
5 under a contract with any such prescrip-
6 tion drug plan or MA–PD plan) and taken
7 into account under subparagraph (B) in
8 determining negotiated prices for the plan
9 year for covered part D drugs that are in-
10 sulin provided under such a plan shall be
11 provided to enrollees of such a plan at
12 pharmacies or by mail order service at the
13 point-of-sale of such drugs.

14 “(ii) AMOUNT OF PRICE CONCES-
15 SION.—For purposes of clause (i), and
16 subject to clause (iii), the minimum per-
17 centage described in this clause is—

18 “(I) for drugs dispensed in plan
19 year 2022, 50 percent;

20 “(II) for drugs dispensed in plan
21 year 2023, 75 percent; and

22 “(III) for drugs dispensed in
23 plan year 2024 or a subsequent plan
24 year, 100 percent.

1 “(iii) MODIFICATION OF MINIMUM
2 PERCENTAGE.—For plan years beginning
3 on or after January 1, 2024, the Secretary
4 may, through notice and comment rule-
5 making, specify a percentage other than
6 the percentage described in clause (ii) for
7 a plan year, except that in specifying such
8 percentage the Secretary shall not specify
9 a percentage that is less than 50 percent
10 of the negotiated price concession for such
11 plan year. Any percentage specified pursu-
12 ant to the authority of the previous sen-
13 tence for a plan year that would be less
14 than the percentage otherwise described in
15 clause (ii) for the plan year may only be
16 applied if such reduction in percentage is
17 justified as a benefit to individuals enrolled
18 under this title.”.

19 (2) INCLUSION OF INFORMATION IN BID SUB-
20 MISSION.—Section 1860D–11(b)(2) of the Social Se-
21 curity Act (42 U.S.C. 1395w–11(b)(2)) is amend-
22 ed—

23 (A) by redesignating subparagraph (F) as
24 subparagraph (G); and

1 (B) by inserting after subparagraph (E)
2 the following new subparagraph:

3 “(F) POINT-OF-SALE PRICE CONCESSIONS
4 FOR INSULIN.—For plan years beginning on or
5 after January 1, 2022, an estimate of the ag-
6 gregate price concessions for all insulin nego-
7 tiated by the plan for such plan year.”.

8 (3) GAO STUDY AND REPORT ON INSULIN
9 PRICING.—Not later than 2 years after the date of
10 the enactment of this Act, and annually thereafter,
11 the Comptroller General of the United States shall—

12 (A) conduct a study on the effects of the
13 implementation of the requirement described in
14 subparagraph (D) of section 1860D–2(d)(1) of
15 the Social Security Act (42 U.S.C. 1395w–
16 102(d)(1)), as added by subsection (a), includ-
17 ing an analysis of—

18 (i) trends in the list and net prices of
19 insulin for qualified prescription drug cov-
20 erage offered by a prescription drug plan
21 under part D of the Social Security Act or
22 an MA–PD plan under part C of such
23 title;

24 (ii) savings on insulin for individuals
25 enrolled in a prescription drug plan under

1 part D of the Social Security Act or an
2 MA–PD plan under part C of such title;

3 (iii) trends in out-of-pocket costs for
4 individuals enrolled in such plans, as com-
5 pared to individuals enrolled in a group
6 health plan (as defined in section 2791(a)
7 of the Public Health Service Act (42
8 U.S.C. 300gg–91(a)), a State plan under
9 title XIX of the Social Security Act, or a
10 qualified health plan offered through an
11 Exchange established under title I of the
12 Patient Protection and Affordable Care
13 Act (42 U.S.C. 18001 et seq.); and

14 (iv) approval and market entry of bio-
15 similar insulin under section 351(k) of the
16 Public Health Service Act (42 U.S.C.
17 262); and

18 (B) submit to the Committee on Energy
19 and Commerce and the Committee on Ways
20 and Means in the House of Representatives,
21 and the Committee on Finance in the Senate,
22 a report on the study conducted under para-
23 graph (1), with recommendations on how to en-
24 hance the access of individuals enrolled in a
25 prescription drug plan under part D of the So-

1 cial Security Act or an MA–PD plan under part
2 C of such title to lower out-of-pocket costs for
3 insulin.

4 (4) TRANSPARENCY.—Section 1860D–1(e)(3)
5 of the Social Security Act (42 U.S.C. 1395w–
6 101(e)(3)) is amended by adding at the end the fol-
7 lowing new subparagraph:

8 “(C) ADDITIONAL INFORMATION.—For
9 plan year 2022 and each subsequent plan year,
10 such information referred to in paragraph
11 (2)(A) shall also include, for a plan year, infor-
12 mation regarding the requirement described in
13 subparagraph (D) of section 1860D–2(d)(1)
14 with respect to insulin negotiated by the plan
15 for such plan year.”.

