

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

OFFERED BY MR. BURGESS OF TEXAS

Add at the end of part 2 the following new section:

1 **SEC. 30513. ESTABLISHING A MONTHLY CAP ON BENE-**
2 **FICIARY INCURRED COSTS FOR INSULIN**
3 **PRODUCTS AND SUPPLIES UNDER A PRE-**
4 **SCRIPTION DRUG PLAN OR MA-PD PLAN.**

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

7 (1) in subsection (b)(2)—

8 (A) in subparagraph (A), by striking “and
9 (E)” and inserting “(E), and (F)”;

10 (B) in subparagraph (B), by striking “and
11 (D)” and inserting “(D), and (F)”;

12 (C) by adding at the end the following new
13 subparagraph:

14 “(F) CAP ON INCURRED COSTS FOR INSU-
15 LIN PRODUCTS AND SUPPLIES.—

16 “(i) IN GENERAL.—The coverage pro-
17 vides benefits, for costs above the annual

1 deductible specified in paragraph (1) and
2 up to the annual out-of-pocket threshold
3 described in paragraph (4)(B) and with re-
4 spect to a month (beginning with January
5 of 2022), with cost sharing that is equal to
6 \$0 for a specified covered part D drug (as
7 defined in clause (iii)) furnished to an indi-
8 vidual who has incurred costs during such
9 month with respect to specified covered
10 part D drugs equal to—

11 “(I) for months occurring in
12 2022, \$10; or

13 “(II) for months occurring in a
14 subsequent year, the amount applica-
15 ble under this clause for months oc-
16 ccurring in the year preceding such
17 subsequent year, increased by the an-
18 nual percentage increase specified in
19 paragraph (6) for such subsequent
20 year and rounded to the nearest dol-
21 lar.

22 “(ii) APPLICATION.—The provisions
23 of clauses (i) through (iii) of paragraph
24 (4)(C) shall apply with respect to the de-
25 termination of the incurred costs for speci-

1 fied covered part D drugs for purposes of
2 clause (i) in the same manner as such pro-
3 visions apply with respect to the deter-
4 mination of incurred costs for covered part
5 D drugs for purposes of paragraph (4)(A).

6 “(iii) SPECIFIED COVERED PART D
7 DRUG.—For purposes of this subpara-
8 graph, the term ‘specified covered part D
9 drug’ means a covered part D drug that
10 is—

11 “(I) insulin; or

12 “(II) a medical supply associated
13 with the injection of insulin (as de-
14 fined in regulations of the Secretary
15 promulgated pursuant to subsection
16 (e)(1)(B)).”; and

17 (2) in subsection (c), by adding at the end the
18 following new paragraph:

19 “(5) SAME PROTECTION WITH RESPECT TO EX-
20 PENDITURES FOR INSULIN AND CERTAIN MEDICAL
21 SUPPLIES.—The coverage provides the coverage re-
22 quired under subsection (b)(2)(F).”.

23 (b) CONFORMING AMENDMENTS.—

1 (1) IN GENERAL.—Section 1860D–14(a)(1)(D)
2 of the Social Security Act (42 U.S.C. 1395w–
3 114(a)(1)(D)), is amended—

4 (A) in clause (ii), by striking “section
5 1860D–2(b)(2)” and inserting “section 1860D–
6 2(b)(2)(A)”; and

7 (B) in clause (iii), by striking “section
8 1860D–2(b)(2)” and inserting “section 1860D–
9 2(b)(2)(A)”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by paragraph (1) shall apply with respect to plan
12 year 2022 and each subsequent plan year.

