

**AMENDMENT TO SUBTITLE J**  
**OFFERED BY M**     .    \_\_\_\_\_

Part 5 of the committee print is amended by adding  
at the end the following:

**1 SEC. 31066. TREATMENT OF SUBSECTION (D) HOSPITALS**  
**2 UNDER 340B DRUG DISCOUNT PROGRAM.**

3 Section 340B(a)(5) of the Public Health Service Act  
4 (42 U.S.C. 256b) is amended by adding at the end the  
5 following:

6           “(E) TREATMENT OF SUBSECTION (D)  
7           HOSPITALS.—

8           “(i) ELIGIBILITY DURING PUBLIC  
9           HEALTH EMERGENCY.—Notwithstanding  
10           clause (ii) of subparagraph (L) of sub-  
11           section (a)(4), in the case of an entity de-  
12           scribed in such subparagraph that fails to  
13           meet the criteria specified in such clause  
14           with respect to the disproportionate share  
15           adjustment percentage, such entity shall  
16           continue to be considered a covered entity  
17           under such subsection during an emer-  
18           gency period (as defined in section  
19           1135(g)(1) of the Social Security Act).

1                   “(ii) LIMITATION ON PRICES OF CER-  
2                   TAIN DRUGS PURCHASED BY SUBSECTION  
3                   (D) HOSPITALS.—A covered entity de-  
4                   scribed in subparagraph (L) of paragraph  
5                   (4) shall limit the price of a covered out-  
6                   patient drug furnished by the entity that is  
7                   insulin or an epinephrine auto injector, so  
8                   that the out-of-pocket costs to a consumer  
9                   at the point of sale for such drug does not  
10                  exceed the difference between the average  
11                  manufacturer price for the drug under title  
12                  XIX of the Social Security Act in the pre-  
13                  ceding calendar quarter, reduced by the re-  
14                  bate percentage described in paragraph  
15                  (2).”.

