

AMENDMENT TO DISCUSSION DRAFT
OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

**Amendment drafted to opioid-planeduc_01, as posted on the
website of the Committee on Energy and Commerce**

Add at the end the following new section:

1 **SEC. ____ . REQUIRING THE NEGOTIATION OF LOWER COV-**
2 **ERED PART D DRUG PRICES FOR OPIOID**
3 **OVERDOSE REVERSAL DRUGS.**

4 (a) IN GENERAL.—Section 1860D-11(i) of the Social
5 Security Act (42 U.S.C. 1395w-11(i)) is amended—

6 (1) by redesignating paragraphs (1) and (2) as
7 subparagraphs (A) and (B), respectively, and adjust-
8 ing the margins accordingly;

9 (2) by striking “In order to promote” and in-
10 serting the following:

11 “(1) IN GENERAL.—Subject to paragraph (2),
12 in order to promote”; and

13 (3) by adding at the end the following new
14 paragraph:

15 “(2) NEGOTIATION OF PRICES FOR OPIOID
16 OVERDOSE REVERSAL DRUGS.—

17 “(A) IN GENERAL.—Notwithstanding any
18 other provision of law, the Secretary shall nego-

1 tiate with pharmaceutical manufacturers the
2 prices (including discounts, rebates, and other
3 price concessions) that may be charged to PDP
4 sponsors and MA organizations for applicable
5 covered part D drugs (as defined in subpara-
6 graph (B)) for part D eligible individuals who
7 are enrolled under a prescription drug plan or
8 under an MA-PD plan.

9 “(B) ESTABLISHMENT OF PRICE.—In the
10 case that the Secretary is unable to negotiate a
11 price with respect to an applicable covered part
12 D drug for a year under subparagraph (A), the
13 Secretary shall establish such price for such
14 year for part D eligible individuals who are en-
15 rolled under a prescription drug plan or under
16 an MA-PD plan at the amount negotiated by
17 the Secretary of Veterans Affairs under section
18 8126 of title 38, United States Code, for such
19 drug and such year.

20 “(C) CONSTRUCTION.—Nothing in this
21 paragraph shall be construed as preventing the
22 sponsor of a prescription drug plan or an orga-
23 nization offering an MA-PD plan from obtain-
24 ing a discount or reduction of the price for an
25 applicable covered part D drug below the price

1 negotiated under subparagraph (A) or estab-
2 lished under subparagraph (B).

3 “(D) APPLICABLE COVERED PART D DRUG
4 DEFINED.—In this paragraph, the term ‘appli-
5 cable covered part D drug’ means a covered
6 part D drug used to reverse opioid overdoses
7 (such as naloxone).”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 subsection (a) shall apply with respect to plan years begin-
10 ning on or after January 1, 2019.

