

**AMENDMENT TO THE AMENDMENT IN THE NA-
TURE OF A SUBSTITUTE TO COMMITTEE
PRINT FOR SUBTITLE E RELATING TO DRUG
PRICING**

OFFERED BY M_ . _____

Add at the end of part 3 the following new section:

1 **SEC. 30523. NEGOTIATED PRICE CONCESSIONS FOR INSU-**
2 **LIN AT POINT-OF-SALE UNDER PART D OF**
3 **MEDICARE PROGRAM.**

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

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

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

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 (b) INCLUSION OF INFORMATION IN BID SUBMIS-
20 SION.—Section 1860D–11(b)(2) of the Social Security Act
21 (42 U.S.C. 1395w–11(b)(2)) is amended—

22 (1) by redesignating subparagraph (F) as sub-
23 paragraph (G); and

24 (2) by inserting after subparagraph (E) the fol-
25 lowing new subparagraph:

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

6 (c) GAO STUDY AND REPORT ON INSULIN PRIC-
7 ING.—Not later than 2 years after the date of the enact-
8 ment of this Act, and annually thereafter, the Comptroller
9 General of the United States shall—

10 (1) conduct a study on the effects of the imple-
11 mentation of the requirement described in subpara-
12 graph (D) of section 1860D–2(d)(1) of the Social
13 Security Act (42 U.S.C. 1395w–102(d)(1)), as
14 added by subsection (a), including an analysis of—

15 (A) trends in the list and net prices of in-
16 sulin for qualified prescription drug coverage
17 offered by a prescription drug plan under part
18 D of the Social Security Act or an MA–PD
19 plan under part C of such title;

20 (B) savings on insulin for individuals en-
21 rolled in a prescription drug plan under part D
22 of the Social Security Act or an MA–PD plan
23 under part C of such title;

24 (C) trends in out-of-pocket costs for indi-
25 viduals enrolled in such plans, as compared to

1 individuals enrolled in a group health plan (as
2 defined in section 2791(a) of the Public Health
3 Service Act (42 U.S.C. 300gg–91(a)), a State
4 plan under title XIX of the Social Security Act,
5 or a qualified health plan offered through an
6 Exchange established under title I of the Pa-
7 tient Protection and Affordable Care Act (42
8 U.S.C. 18001 et seq.); and

9 (D) approval and market entry of bio-
10 similar insulin under section 351(k) of the Pub-
11 lic Health Service Act (42 U.S.C. 262); and

12 (2) submit to the Committee on Energy and
13 Commerce and the Committee on Ways and Means
14 in the House of Representatives, and the Committee
15 on Finance in the Senate, a report on the study con-
16 ducted under paragraph (1), with recommendations
17 on how to enhance the access of individuals enrolled
18 in a prescription drug plan under part D of the So-
19 cial Security Act or an MA–PD plan under part C
20 of such title to lower out-of-pocket costs for insulin.

21 (d) TRANSPARENCY.—Section 1860D–1(c)(3) of the
22 Social Security Act (42 U.S.C. 1395w–101(c)(3)) is
23 amended by adding at the end the following new subpara-
24 graph:

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

