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:

SEC. ___. REQUIRING THE NEGOTIATION OF LOWER COVERED PART D DRUG PRICES FOR OPIOID OVERDOSE REVERSAL DRUGS.

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

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(2) by striking “In order to promote” and inserting the following:

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

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

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

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall nego-
tiate with pharmaceutical manufacturers the prices (including discounts, rebates, and other price concessions) that may be charged to PDP sponsors and MA organizations for applicable covered part D drugs (as defined in subparagraph (B)) for part D eligible individuals who are enrolled under a prescription drug plan or under an MA-PD plan.

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

“(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing the sponsor of a prescription drug plan or an organization offering an MA-PD plan from obtaining a discount or reduction of the price for an applicable covered part D drug below the price
negotiated under subparagraph (A) or established under subparagraph (B).

“(D) APPLICABLE COVERED PART D DRUG DEFINED.—In this paragraph, the term ‘applicable covered part D drug’ means a covered part D drug used to reverse opioid overdoses (such as naloxone).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to plan years beginning on or after January 1, 2019.