115TH CONGRESS  
2D SESSION  

H. R. ____

To amend the Public Health Service Act to require certain covered entities under the 340B drug discount program to establish certain fee amounts charged to certain low-income patients for 340B drugs.

IN THE HOUSE OF REPRESENTATIVES

Mr. Burgess introduced the following bill; which was referred to the Committee on _________

A BILL

To amend the Public Health Service Act to require certain covered entities under the 340B drug discount program to establish certain fee amounts charged to certain low-income patients for 340B drugs.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “______ Act”.
SEC. 2. AMOUNTS CHARGED TO CERTAIN LOW-INCOME PATIENTS UNDER 340B DRUG DISCOUNT PROGRAM.

(a) In General.—Subsection (a)(5) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by adding at the end the following new subparagraphs:

“(E) Amount charged to low-income patients.—

“(i) In general.—Beginning [January 1, 2020], as a condition of certification or recertification under the system described in subsection (d)(2)(B)(iv), each covered entity described in subparagraph (L) or (M) of subsection (a)(4) must—

“(I) in the case of a targeted low-income patient of the covered entity to whom the covered entity furnishes or dispenses a covered outpatient drug that is subject to an agreement under this section (directly or under a contractual arrangement pursuant to which a third party dispenses such drugs), charge a fee amount to such patient for such drug that is not more than the ceiling price
(as referred to under paragraph (1))
for such drug; and

“(II) provide, in accordance with
the regulations promulgated pursuant
to clause (iii), for public notification
of the fee amounts established for
purposes of this subparagraph and the
definition applied for purposes of this
subparagraph by the covered entity of
the term ‘low-income individual’ pur-
suant to clause (ii)(I).

“(ii) TARGETED LOW-INCOME PA-
tIENT.—For purposes of this subpara-
graph, the term ‘targeted low-income pa-
tient’ means, with respect to a covered en-
tity described in clause (i), a patient of the
covered entity who is—

“(I) a low-income individual, as
defined by the covered entity; and

“(II) not covered under minimum
essential coverage, as defined in sec-
tion 5000A(f) of the Internal Revenue
Code.

“(iii) REGULATIONS.—Not later than
180 days after the date of enactment of
this subparagraph, the Secretary shall promulgate final regulations through notice-and-comment rulemaking, to implement the requirements under this subparagraph. Such regulations shall—

“(I) establish requirements for a process for covered entities to follow to provide public notifications described in clause (i)(II); and

“(II) ensure the security and protection of privileged or otherwise confidential data from unauthorized disclosure or re-disclosure.”.