H. R. 2115

To amend title XI of the Social Security Act to provide greater transparency of discounts provided by drug manufacturers.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2019

Ms. SPANBERGER (for herself, Mr. ARRINGTON, and Mr. BRENDAN F. BOYLE of Pennsylvania) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XI of the Social Security Act to provide greater transparency of discounts provided by drug manufacturers.

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

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Public Disclosure of
5 Drug Discounts Act”.

6 SEC. 2. PUBLIC DISCLOSURE OF DRUG DISCOUNTS.

7 Section 1150A of the Social Security Act (42 U.S.C.
8 1320b–23) is amended—
(1) in subsection (e), in the matter preceding paragraph (1), by inserting "(other than as permitted under subsection (e))" after "disclosed by the Secretary"; and

(2) by adding at the end the following new subsection:

"(e) PUBLIC AVAILABILITY OF CERTAIN INFORMATION.—

“(1) IN GENERAL.—In order to allow the comparison of PBMs’ ability to negotiate rebates, discounts, and price concessions and the amount of such rebates, discounts, and price concessions that are passed through to plan sponsors, beginning January 1, 2020, the Secretary shall make available on the Internet website of the Department of Health and Human Services the information with respect to the second preceding calendar year provided to the Secretary on generic dispensing rates (as described in paragraph (1) of subsection (b)) and information provided to the Secretary under paragraphs (2) and (3) of such subsection that, as determined by the Secretary, is with respect to each PBM.

“(2) AVAILABILITY OF DATA.—In carrying out paragraph (1), the Secretary shall ensure the following:

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“(A) CONFIDENTIALITY.—The information described in such paragraph is displayed in a manner that prevents the disclosure of information on rebates, discounts, and price concessions, with respect to an individual drug or an individual plan.

“(B) CLASS OF DRUG.—The information described in such paragraph is made available by class of drug, using an existing classification system, but only if the class contains such number of drugs, as specified by the Secretary, to ensure confidentiality of proprietary information or other information that is prevented to be disclosed under subparagraph (A).”.