

**Amendment to the Amendment in the Nature of a Substitute to H.R. 3  
Offered by Rep. Reed of New York**

The amendment would require rebates on insulin products in Part D to be delivered at the point of sale.



**AMENDMENT**  
**OFFERED BY MR. Reed**

Add at the end of title II the following new section  
(and update the table of contents accordingly):

1 **SEC. 203. REQUIREMENT TO PROVIDE 100 PERCENT OF**  
2 **CERTAIN NEGOTIATED PRICE CONCESSIONS**  
3 **FOR INSULIN AT POINT-OF-SALE UNDER**  
4 **PART D OF MEDICARE PROGRAM.**

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

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

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

13 “(D) REQUIREMENT TO PROVIDE 100 PER-  
14 CENT OF CERTAIN NEGOTIATED PRICE CONCES-  
15 SIONS FOR INSULIN AT POINT-OF-SALE.—

16 “(i) IN GENERAL.—Subject to clause  
17 (ii), for plan years beginning on or after  
18 January 1, 2022, 100 percent of the price  
19 concessions negotiated between manufac-



1           turers and a prescription drug plan or  
2           MA-PD plan and taken into account  
3           under subparagraph (B) in determining  
4           negotiated prices for covered part D drugs  
5           that are insulin provided under such a plan  
6           shall be provided to enrollees of such a  
7           plan at pharmacies or by mail order service  
8           at the point-of-sale of such drugs.

9           “(ii) MODIFICATION OF MINIMUM  
10          PERCENTAGE.—The Secretary may,  
11          through notice and comment rulemaking,  
12          modify the minimum percentage required  
13          under clause (i), except that in no case  
14          may such minimum percentage be less  
15          than 50 percent for plan years beginning  
16          on or after January 1, 2024.”.

17          (b) STUDY AND REPORT.—Not later than two years  
18          after the date of the enactment of this Act, the Comp-  
19          troller General of the United States shall conduct a study  
20          and submit to the Committees on Energy and Commerce,  
21          Ways and Means, and Education and Labor of the House  
22          of Representatives and the Committees on Finance and  
23          Health, Education, Labor, and Pensions of the Senate a  
24          report on the effects of the implementation of the require-  
25          ment described in subparagraph (D) of section 1860D—



1 2(d)(1) of the Social Security Act (42 U.S.C. 1395w-  
2 102(d)(1)), as added by subsection (a). The Comptroller  
3 General shall include in such study and report an analysis  
4 of each of the following:

5 (1) Any trends in the list and net prices of in-  
6 sulin.

7 (2) Any savings for enrollees of prescription  
8 drug plans or MA-PD plans under the Medicare  
9 program as a result of such requirement.

10 (3) Any trends in out-of-pocket costs for such  
11 enrollees, as compared to enrollees of employer-spon-  
12 sored plans, State plans under the Medicaid pro-  
13 gram, and plans offered through an Exchange estab-  
14 lished under title I of Public Law 111-148.

15 (4) Pathways for the market entry of generic  
16 drugs and biosimilar biological products for insulin.

17 (5) Recommendations to Congress on how to  
18 enhance patient access to, and lower patient out-of-  
19 pocket costs of, insulin.



