

AMENDMENT NO. _____ Calendar No. _____

Purpose: To reduce prescription drug prices in the private health insurance market.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 3315

To require the Secretary of Health and Human Services and the Director of the Cybersecurity and Infrastructure Security Agency to coordinate to improve cybersecurity in the health care and public health sectors, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SANDERS

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . REDUCING PRESCRIPTION DRUG PRICES IN THE**

3 **PRIVATE HEALTH INSURANCE MARKET.**

4 (a) PHSA.—Part D of title XXVII of the Public

5 Health Service Act (42 U.S.C. 300gg–111 et seq.) is

6 amended by adding at the end the following:

7 **“SEC. 2799A–12. REDUCING PRESCRIPTION DRUG PRICES.**

8 **“(a) IN GENERAL.—**Except as provided in subsection

9 (b)—

1 “(1) individuals enrolled in a group health plan
2 or group or individual health insurance coverage
3 shall be deemed maximum fair price eligible individ-
4 uals; and

5 “(2) a group health plan or health insurance
6 issuer offering group or individual health insurance
7 coverage shall be deemed to have an agreement to
8 provide selected drugs at maximum fair price to en-
9 rollees, participants, and beneficiaries of the plan or
10 coverage.

11 “(b) OPT-OUT.—The provisions of subsection (a)
12 shall not apply with respect to a group health plan or
13 health insurance issuer offering group or individual health
14 insurance coverage, or the enrollees, participants, or bene-
15 ficiaries of such a plan or coverage, for a price applica-
16 bility period if such a plan or issuer affirmatively elects,
17 through a process specified by the Secretary, to opt out
18 of such provisions for such period.

19 “(c) PUBLICATION OF ELECTION.—With respect to
20 each price applicability period, the Secretary shall make
21 public a list of each group health plan and each health
22 insurance issuer offering group or individual insurance
23 coverage, that has opted-out under subsection (b) with re-
24 spect to such period.

1 “(d) DEFINITIONS.—In this section, the terms ‘max-
2 imum fair price’, ‘maximum fair price eligible individual’,
3 and ‘price applicability period’ have the meanings given
4 such terms in section 1191 of the Social Security Act.”.

5 (b) ERISA.—

6 (1) IN GENERAL.—Subpart B of part 7 of sub-
7 title B of title I of the Employee Retirement Income
8 Security Act of 1974 (29 U.S.C. 1185 et seq.) is
9 amended by adding at the end the following:

10 **“SEC. 727. REDUCING PRESCRIPTION DRUG PRICES.**

11 “(a) IN GENERAL.—Except as provided in subsection
12 (b)—

13 “(1) individuals enrolled in a group health plan
14 or group health insurance coverage shall be deemed
15 maximum fair price eligible individuals; and

16 “(2) a group health plan or health insurance
17 issuer offering group or individual health insurance
18 coverage shall be deemed to have an agreement to
19 provide selected drugs at maximum fair price to par-
20 ticipants and beneficiaries of the plan or coverage.

21 “(b) OPT-OUT.—The provisions of subsection (a)
22 shall not apply with respect to a group health plan or
23 health insurance issuer offering group health insurance
24 coverage, or the participants or beneficiaries of such a
25 plan or coverage, for a price applicability period if such

1 a plan or issuer affirmatively elects, through a process
2 specified by the Secretary, to opt out of such provisions
3 for such period.

4 “(c) PUBLICATION OF ELECTION.—With respect to
5 each price applicability period, the Secretary shall make
6 public a list of each group health plan and each health
7 insurance issuer offering group insurance coverage, that
8 has opted-out under subsection (b) with respect to such
9 period.

10 “(d) DEFINITIONS.—In this section, the terms ‘max-
11 imum fair price’, ‘maximum fair price eligible individual’,
12 and ‘price applicability period’ have the meanings given
13 such terms in section 1191 of the Social Security Act (42
14 U.S.C. 1320f).”.

15 (2) CLERICAL AMENDMENT.—The table of con-
16 tents in section 1 of the Employee Retirement In-
17 come Security Act of 1974 (29 U.S.C. 1001 et seq.)
18 is amended by inserting after the item relating to
19 section 726 the following:

“Sec. 727. Reducing prescription drug prices.”.

20 (c) INTERNAL REVENUE CODE.—

21 (1) IN GENERAL.—Subchapter B of chapter
22 100 of the Internal Revenue Code of 1986 is amend-
23 ed by adding at the end the following:

1 **“SEC. 9827. REDUCING PRESCRIPTION DRUG PRICES.**

2 “(a) IN GENERAL.—Except as provided in subsection

3 (b)—

4 “(1) individuals enrolled in a group health plan
5 shall be deemed maximum fair price eligible individ-
6 uals; and

7 “(2) a group health plan shall be deemed to
8 have an agreement to provide selected drugs at max-
9 imum fair price to participants and beneficiaries of
10 the plan.

11 “(b) OPT-OUT.—The provisions of subsection (a)
12 shall not apply with respect to a group health plan, or
13 the participants or beneficiaries of such a plan, for a price
14 applicability period if such a plan affirmatively elects,
15 through a process specified by the Secretary, to opt out
16 of such provisions for such period.

17 “(c) PUBLICATION OF ELECTION.—With respect to
18 each price applicability period, the Secretary shall make
19 public a list of each group health plan, that has opted-
20 out under subsection (b) with respect to such period.

21 “(d) DEFINITIONS.—In this section, the terms ‘max-
22 imum fair price’, ‘maximum fair price eligible individual’,
23 and ‘price applicability period’ have the meanings given
24 such terms in section 1191 of the Social Security Act (42
25 U.S.C. 1320f).”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions for subchapter B of chapter 100 of such Code
3 is amended by adding at the end the following:

“Sec. 9827. Reducing prescription drug prices.”.