

AMENDMENT OFFERED BY REP. DOGGETT

The amendment would direct the Secretary of Health and Human Services to negotiate prices for naloxone drugs under Medicare Part D and Medicare Advantage plans.

AMENDMENT TO H.R. 5773
OFFERED BY MR. DOGGETT OF TEXAS

Add at the end the following new section:

1 **SEC. ____ . REQUIRING THE NEGOTIATION OF LOWER COV-**
2 **ERED PART D DRUG PRICES FOR OPIOID**
3 **OVERDOSE REVERSAL DRUGS.**

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

6 (1) by redesignating paragraphs (1) and (2) as
7 subparagraphs (A) and (B), respectively, and adjust-
8 ing the margins accordingly;

9 (2) by striking “In order to promote” and in-
10 sserting the following:

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

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

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

17 “(A) IN GENERAL.—Notwithstanding any
18 other provision of law, the Secretary shall nego-
19 tiate with pharmaceutical manufacturers the
20 prices (including discounts, rebates, and other

1 price concessions) that may be charged to PDP
2 sponsors and MA organizations for applicable
3 covered part D drugs (as defined in subpara-
4 graph (B)) for part D eligible individuals who
5 are enrolled under a prescription drug plan or
6 under an MA-PD plan.

7 “(B) ESTABLISHMENT OF PRICE.—In the
8 case that the Secretary is unable to negotiate a
9 price with respect to an applicable covered part
10 D drug for a year under subparagraph (A), the
11 Secretary shall—

12 “(i) establish such price for such year
13 for part D eligible individuals who are en-
14 rolled under a prescription drug plan or
15 under an MA-PD plan at the amount ne-
16 gotiated by the Secretary of Veterans Af-
17 fairs under section 8126 of title 38, United
18 States Code, for such drug and such year;
19 or

20 “(ii) subject to the remedies specified
21 in section 1498 of title 28, United States
22 Code, use or manufacture such drug and
23 set a price for such drug as determined ap-
24 propriate by the Secretary.

1 “(C) CONSTRUCTION.—Nothing in this
2 paragraph shall be construed as preventing the
3 sponsor of a prescription drug plan or an orga-
4 nization offering an MA-PD plan from obtain-
5 ing a discount or reduction of the price for an
6 applicable covered part D drug below the price
7 negotiated under subparagraph (A) or estab-
8 lished under subparagraph (B).

9 “(D) APPLICABLE COVERED PART D DRUG
10 DEFINED.—In this paragraph, the term ‘appli-
11 cable covered part D drug’ means a covered
12 part D drug used to reverse opioid overdoses
13 (such as naloxone).”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 subsection (a) shall apply with respect to plan years begin-
16 ning on or after January 1, 2019.

