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 COVERED PART D DRUG PRICES FOR OPIOID OVERDOSE REVERSAL DRUGS.

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

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(2) by striking "In order to promote" and inserting the following:

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

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

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

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall negotiate with pharmaceutical manufacturers the prices (including discounts, rebates, and other
price concessions) that may be charged to PDP
sponsors and MA organizations for applicable
covered part D drugs (as defined in subpara-
graph (B)) for part D eligible individuals who
are enrolled under a prescription drug plan or
under an MA-PD plan.

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

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

"(ii) subject to the remedies specified
in section 1498 of title 28, United States
Code, use or manufacture such drug and
set a price for such drug as determined ap-
propriate by the Secretary.
“(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing the sponsor of a prescription drug plan or an organization offering an MA-PD plan from obtaining a discount or reduction of the price for an applicable covered part D drug below the price negotiated under subparagraph (A) or established under subparagraph (B).

“(D) APPLICABLE COVERED PART D DRUG DEFINED.—In this paragraph, the term ‘applicable covered part D drug’ means a covered part D drug used to reverse opioid overdoses (such as naloxone).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to plan years beginning on or after January 1, 2019.