

105TH CONGRESS  
2D SESSION

# H. R. 4648

To clarify the non-preemption of State prescription drug benefit laws in connection with Medicare+Choice plans.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 1998

Mr. NEAL of Massachusetts (for himself, Mr. FRANK of Massachusetts, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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 clarify the non-preemption of State prescription drug benefit laws in connection with Medicare+Choice plans.

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. CONSTRUCTION CLARIFYING NON-PREEMP-**  
4 **TION OF STATE PRESCRIPTION DRUG BENE-**  
5 **FIT LAWS IN CONNECTION WITH**  
6 **MEDICARE+CHOICE PLANS.**

7 Nothing in paragraph (3) of section 1856(b) of the  
8 Social Security Act (42 U.S.C. 1395w-26(b)) shall be con-

1 strued to supersede any State law that requires the cov-  
2 erage of prescription drugs or any regulation that carries  
3 out such a law.

○