

112TH CONGRESS
1ST SESSION

H. R. 905

To amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2011

Mr. WHITFIELD (for himself, Mr. GENE GREEN of Texas, Mr. NUNES, Mr. KIND, Ms. DEGETTE, Mr. SHIMKUS, Mr. TOWNS, Mrs. BLACKBURN, Mr. COURTNEY, Mr. ROGERS of Michigan, Ms. DELAURO, Mr. TIBERI, Mr. ISRAEL, Mr. GERLACH, Mr. LEWIS of Georgia, Mr. SESSIONS, and Mr. HIMES) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXCLUDING CUSTOMARY PROMPT PAY DIS-**
2 **COUNTS FROM MANUFACTURERS TO WHOLE-**
3 **SALERS FROM THE AVERAGE SALES PRICE**
4 **FOR MEDICARE PAYMENTS FOR DRUGS AND**
5 **BIOLOGICALS.**

6 (a) **IN GENERAL.**—Section 1847A(c)(3) of the Social
7 Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended—

8 (1) in the first sentence, by inserting “(other
9 than customary prompt pay discounts extended to
10 wholesalers)” after “prompt pay discounts”; and

11 (2) in the second sentence, by inserting “(other
12 than customary prompt pay discounts extended to
13 wholesalers)” after “other price concessions”.

14 (b) **EFFECTIVE DATE.**—The amendments made by
15 this section shall apply to drugs and biologicals that are
16 furnished on or after January 1, 2012.

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