

115TH CONGRESS
2D SESSION

S. 2553

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 2018

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

AN ACT

To amend title XVIII of the Social Security Act to prohibit health plans and pharmacy benefit managers from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals.

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. SHORT TITLE.**

2 This Act may be cited as the “Know the Lowest Price
3 Act of 2018”.

4 **SEC. 2. PROHIBITION ON LIMITING CERTAIN INFORMATION**
5 **ON DRUG PRICES.**

6 (a) IN GENERAL.—Section 1860D–4 of the Social
7 Security Act (42 U.S.C. 1395w–104) is amended by add-
8 ing at the end the following new subsection:

9 “(m) PROHIBITION ON LIMITING CERTAIN INFORMA-
10 TION ON DRUG PRICES.—A PDP sponsor and a Medicare
11 Advantage organization shall ensure that each prescrip-
12 tion drug plan or MA–PD plan offered by the sponsor or
13 organization does not restrict a pharmacy that dispenses
14 a prescription drug or biological from informing, nor pe-
15 nalize such pharmacy for informing, an enrollee in such
16 plan of any differential between the negotiated price of,
17 or copayment or coinsurance for, the drug or biological
18 to the enrollee under the plan and a lower price the indi-
19 vidual would pay for the drug or biological if the enrollee
20 obtained the drug without using any health insurance cov-
21 erage.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply to plan years beginning on or
3 after January 1, 2020.

Passed the Senate September 4, 2018.

Attest:

JULIE E. ADAMS,

Secretary.