

116TH CONGRESS
1ST SESSION

H. R. 2757

To amend title XVIII of the Social Security Act to provide for adjustments to the Medicare part D cost-sharing reductions for low-income individuals.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2019

Mr. CUNNINGHAM (for himself, Mr. BILIRAKIS, and Mr. EVANS) 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 title XVIII of the Social Security Act to provide for adjustments to the Medicare part D cost-sharing reductions for low-income individuals.

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. SHORT TITLE.**

4 This Act may be cited as the “Creating Lower cost
5 Alternative for Your prescription drugs Act” or the
6 “CLAY Act”.

1 **SEC. 2. ADJUSTMENTS TO MEDICARE PART D COST-SHAR-**
2 **ING REDUCTIONS FOR LOW-INCOME INDIVID-**
3 **UALS.**

4 Section 1860D–14(a) of the Social Security Act (42
5 U.S.C. 1395w–114(a)) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (D)—

8 (i) in clause (ii)—

9 (I) by striking “that does not ex-
10 ceed \$1 for” and all that follows
11 through the period at the end and in-
12 serting “that does not exceed—

13 “(I) for plan years before plan
14 year 2021—

15 “(aa) for a generic drug or a
16 preferred drug that is a multiple
17 source drug (as defined in section
18 1927(k)(7)(A)(i)), \$1 or, if less,
19 the copayment amount applicable
20 to an individual under clause
21 (iii); and

22 “(bb) for any other drug, \$3
23 or, if less, the copayment amount
24 applicable to an individual under
25 clause (iii); and”; and

(II) by adding at the end the following new subclauses:

“(II) for plan year 2021—

“(aa) for a generic drug, \$0; and

“(bb) for any other drug, the dollar amount applied under this clause (after application of paragraph (4)(A)) for plan year 2020 for a drug described in subclause (I)(bb); and

“(III) for a subsequent year, the dollar amount applied under this clause for the previous year for the drug, increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.”; and

(ii) in clause (iii)—

(I) by striking “does not exceed the copayment amount specified under” and inserting “does not exceed—

1 “(I) for plan years beginning be-
 2 fore plan year 2021, the copayment
 3 amount specified under”;

4 (II) by striking the period at the
 5 end and inserting “; and”; and

6 (III) by adding at the end the
 7 following new subclause:

8 “(II) for plan year 2021 and
 9 each subsequent plan year the copay-
 10 ment amount applied under clause (ii)
 11 for the drug and year involved.”; and

12 (B) by adding at the end the following new
 13 subparagraph:

14 “(F) ROUNDING.—Any amount established
 15 under clause (ii) of subparagraph (D), including
 16 as applied under clause (iii) of such subpara-
 17 graph or paragraph (2)(E), that is based on an
 18 increase of \$3, that is not a multiple of 5 cents
 19 or 10 cents, respectively, shall be rounded to
 20 the nearest multiple of 5 cents or 10 cents, re-
 21 spectively.”;

22 (2) in paragraph (2)—

23 (A) in subparagraph (C), by inserting “and
 24 subparagraph (E)” before the period;

25 (B) in subparagraph (D)—

1 (i) by striking “of coinsurance of” and
2 inserting “of—

3 “(I) for plan years before plan
4 year 2021, coinsurance of”;

5 (ii) by striking the period at the end
6 and inserting “; and”; and

7 (iii) by adding at the end the fol-
8 lowing new subclause:

9 “(II) for plan year 2021 and
10 each subsequent plan year, a copay-
11 ment amount that does not exceed the
12 copayment amount applied under
13 paragraph (1)(D)(ii) for the drug and
14 year involved.”; and

15 (C) in subparagraph (E)—

16 (i) by striking “subsection (c), the
17 substitution for” and inserting “subsection
18 (c)—

19 “(i) for plan years before plan year
20 2021, the substitution for”;

21 (ii) by striking the period at the end
22 and inserting “; and”; and

23 (iii) by adding at the end the fol-
24 lowing new clause:

1 “(ii) for plan year 2021 and each sub-
2 sequent plan year, the elimination of any
3 cost-sharing imposed under section
4 1860D–2(b)(4)(A).”; and
5 (3) in paragraph (4)(A)(ii), by inserting “(be-
6 fore 2021)” after “subsequent year”.

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