

116TH CONGRESS
1ST SESSION

H. R. 3276

To amend title XIX of the Social Security Act to exclude authorized generic drugs from calculation of the average manufacturer price for purposes of the Medicaid drug rebate program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2019

Mr. KENNEDY (for himself, Mr. O'HALLERAN, Mr. KINZINGER, and Mr. SMITH of Missouri) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to exclude authorized generic drugs from calculation of the average manufacturer price for purposes of the Medicaid drug rebate program, and for other purposes.

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 “Fair and Accurate
5 Medicaid Pricing Act of 2019” or the “Fair AMP Act”.

1 **SEC. 2. EXCLUDING AUTHORIZED GENERIC DRUGS FROM**
2 **CALCULATION OF AVERAGE MANUFACTURER**
3 **PRICE UNDER THE MEDICAID DRUG REBATE**
4 **PROGRAM; EXCLUDING MANUFACTURERS**
5 **FROM DEFINITION OF WHOLESALER.**

6 (a) **IN GENERAL.**—Subparagraph (C) of section
7 1927(k)(1) of the Social Security Act (42 U.S.C. 1396r–
8 8(k)(1)) is amended—

9 (1) in the subparagraph heading, by striking
10 “INCLUSION” and inserting “EXCLUSION”;

11 (2) by striking “a new drug application” and
12 inserting “the manufacturer’s new drug applica-
13 tion”; and

14 (3) by striking “inclusive” and inserting “exclu-
15 sive”.

16 (b) **EXCLUDING MANUFACTURERS FROM DEFINI-**
17 **TION OF WHOLESALER.**—Section 1927(k)(11) of the So-
18 cial Security Act (42 U.S.C. 1396r–8(k)(11)) is amend-
19 ed—

20 (1) by striking “manufacturers,”; and

21 (2) by striking “manufacturer’s and”.

22 (c) **EFFECTIVE DATE.**—The amendments made by
23 this section shall take effect on the first day of the first
24 fiscal quarter that begins after the date of enactment of
25 this Act.