

116TH CONGRESS
1ST SESSION

H. R. 366

To amend titles XVIII and XIX of the Social Security Act to eliminate cost sharing with respect to coverage of insulin as a covered part D drug under the Medicare program or as a covered outpatient drug under the Medicaid program.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2019

Mr. RUSH (for himself, Ms. CLARKE of New York, Ms. KELLY of Illinois, Ms. LEE of California, Ms. ADAMS, Mrs. WATSON COLEMAN, Mr. PAYNE, Mr. EVANS, Ms. FUDGE, Mrs. DEMINGS, Mr. BROWN of Maryland, Mr. SCOTT of Virginia, Mr. LAWSON of Florida, Mr. CLAY, Mr. DANNY K. DAVIS of Illinois, Ms. PRESSLEY, Mr. LEWIS, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Mr. RICHMOND, Ms. JACKSON LEE, Mr. BISHOP of Georgia, Mr. HORSFORD, Mr. JOHNSON of Georgia, Mr. BUTTERFIELD, Ms. WILSON of Florida, Mr. CARSON of Indiana, Mr. MCEACHIN, Mrs. BEATTY, Ms. PLASKETT, Ms. SEWELL of Alabama, Mr. DAVID SCOTT of Georgia, Ms. SCHAKOWSKY, and Ms. BASS) 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 titles XVIII and XIX of the Social Security Act to eliminate cost sharing with respect to coverage of insulin as a covered part D drug under the Medicare program or as a covered outpatient drug under the Medicaid program.

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 “Insulin Access for All
5 Act of 2019”.

6 **SEC. 2. ELIMINATING COST SHARING WITH RESPECT TO**
7 **COVERAGE OF INSULIN AS A COVERED PART**
8 **D DRUG UNDER THE MEDICARE PROGRAM**
9 **OR AS A COVERED OUTPATIENT DRUG**
10 **UNDER THE MEDICAID PROGRAM.**

11 (a) MEDICARE.—

12 (1) ELIMINATION OF COST-SHARING FOR INSU-
13 LIN AND CERTAIN ASSOCIATED MEDICAL SUPPLIES
14 FURNISHED TO PART D ELIGIBLE INDIVIDUALS.—
15 Section 1860D–2 of the Social Security Act (42
16 U.S.C. 1395w–102) is amended—

17 (A) in subsection (b)—

18 (i) in paragraph (1)(A), by striking
19 “The coverage” and inserting “Subject to
20 paragraph (8), the coverage”;

21 (ii) in paragraph (2)—

22 (I) in subparagraph (A), by in-
23 sserting after “Subject to subpara-
24 graphs (C) and (D)” the following:
25 “and paragraph (8)”;

1 (II) in subparagraph (C)(i), by
2 striking “paragraph (4)” and insert-
3 ing “paragraphs (4) and (8)”; and

4 (III) in subparagraph (D)(i), by
5 striking “paragraph (4)” and insert-
6 ing “paragraphs (4) and (8)”; and

7 (iii) in paragraph (4)(A)(i), by strik-
8 ing “The coverage” and inserting “Subject
9 to paragraph (8), the coverage”; and

10 (iv) by adding at the end the following
11 new paragraph:

12 “(8) ELIMINATION OF COST-SHARING FOR CER-
13 TAIN COVERED PART D DRUGS.—The coverage does
14 not impose any deductible, copayment, coinsurance,
15 or other cost-sharing for insulin (as described in
16 subparagraph (B) of subsection (e)(1)) or medical
17 supplies associated with the injection of insulin (as
18 described in such subparagraph).”; and

19 (B) in subsection (e), by adding at the end
20 the following new paragraph:

21 “(4) SAME ELIMINATION OF COST-SHARING FOR
22 CERTAIN COVERED PART D DRUGS.—The coverage is
23 in accordance with subsection (b)(8).”.

24 (2) ELIMINATION OF COST-SHARING FOR INSU-
25 LIN AND CERTAIN ASSOCIATED MEDICAL SUPPLIES

1 FURNISHED TO PART D ELIGIBLE INDIVIDUALS WHO
2 ARE SUBSIDY ELIGIBLE INDIVIDUALS.—Section
3 1860D–14(a) of the Social Security Act (42 U.S.C.
4 1395w–114(a)) is amended—

5 (A) in paragraph (1)—

6 (i) in subparagraph (D)—

7 (I) in clause (ii), by striking “In
8 the case of” and inserting “Subject to
9 subparagraph (F), in the case of”;
10 and

11 (II) in clause (iii), by striking
12 “In the case of” and inserting “Sub-
13 ject to subparagraph (F), in the case
14 of”; and

15 (ii) by adding at the end the following
16 new subparagraph:

17 “(F) ELIMINATION OF COST-SHARING FOR
18 CERTAIN COVERED PART D DRUGS.—Coverage
19 that is in accordance with section 1860D–
20 2(b)(8).”; and

21 (B) in paragraph (2)—

22 (i) in subparagraph (D), by striking
23 “The substitution” and inserting “Subject
24 to subparagraph (F), the substitution”;

1 (ii) in subparagraph (E), by inserting
2 after “Subject to” the following: “subpara-
3 graph (F) and”; and

4 (iii) by adding at the end the fol-
5 lowing new subparagraph:

6 “(F) ELIMINATION OF COST-SHARING FOR
7 CERTAIN COVERED PART D DRUGS.—Coverage
8 that is in accordance with section 1860D-
9 2(b)(8).”.

10 (3) APPLICABILITY.—The amendments made
11 by this subsection shall apply with respect to insulin,
12 and medical supplies associated with the injection of
13 insulin, furnished on or after January 1, 2020.

14 (b) MEDICAID.—

15 (1) IN GENERAL.—Section 1916 of the Social
16 Security Act (42 U.S.C. 1396o) is amended—

17 (A) in subsection (a)(2)—

18 (i) in subparagraph (D), by striking
19 “or” at the end;

20 (ii) in subparagraph (E), by striking
21 “; and” and inserting “, or”; and

22 (iii) by adding at the end the fol-
23 lowing new subparagraph:

24 “(F) insulin furnished as a covered out-
25 patient drug (as defined in section 1927(k)(2))

1 and medical supplies associated with the injec-
2 tion of such insulin; and”;

3 (B) in subsection (b)(2)—

4 (i) in subparagraph (D), by striking
5 “or” at the end;

6 (ii) in subparagraph (E), by striking
7 “; and” and inserting “, or”; and

8 (iii) by adding at the end the fol-
9 lowing new subparagraph:

10 “(F) insulin furnished as a covered out-
11 patient drug (as defined in section 1927(k)(2))
12 and medical supplies associated with the injec-
13 tion of such insulin; and”.

14 (2) ALTERNATIVE COST SHARING LIMITA-
15 TION.—Section 1916A(c)(2) of the Social Security
16 Act (42 U.S.C. 13960–1(c)(2)) is amended by add-
17 ing at the end the following new subparagraph:

18 “(D) NONAPPLICABILITY OF COST SHAR-
19 ING TO INSULIN.—In no case may the cost
20 sharing under paragraph (1)(A) apply with re-
21 spect to insulin furnished as a covered out-
22 patient drug (as defined in section 1927(k)(2))
23 and medical supplies associated with the injec-
24 tion of such insulin.”.

25 (3) EFFECTIVE DATE.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the amendments made by this sub-
3 section shall apply with respect to covered out-
4 patient drugs furnished on or after January 1,
5 2020.

6 (B) EXCEPTION FOR STATE LEGISLA-
7 TION.—In the case of a State plan under title
8 XIX of the Social Security Act (42 U.S.C. 1396
9 et seq.) that the Secretary of Health and
10 Human Services determines requires State leg-
11 islation in order for the respective plan to meet
12 any requirement imposed by amendments made
13 by this subsection, the respective plan shall not
14 be regarded as failing to comply with the re-
15 quirements of such title solely on the basis of
16 its failure to meet such an additional require-
17 ment before the first day of the first calendar
18 quarter beginning after the close of the first
19 regular session of the State legislature that be-
20 gins after the date of the enactment of this Act.
21 For purposes of the previous sentence, in the
22 case of a State that has a 2-year legislative ses-
23 sion, each year of the session shall be consid-

1 ered to be a separate regular session of the
2 State legislature.

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