

116TH CONGRESS  
1ST SESSION

# S. 657

To amend title XXVII of the Public Health Service Act to establish requirements with respect to prescription drug benefits.

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IN THE SENATE OF THE UNITED STATES

MARCH 5, 2019

Mr. BRAUN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend title XXVII of the Public Health Service Act to establish requirements with respect to prescription drug benefits.

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. REQUIREMENTS WITH RESPECT TO PRESCRIP-**  
4 **TION DRUG BENEFITS.**

5 (a) IN GENERAL.—Subpart II of part A of title  
6 XXVII of the Public Health Service Act (42 U.S.C.  
7 300gg–11 et seq.) is amended by adding at the end the  
8 following:

1 **“SEC. 2729A. REQUIREMENTS WITH RESPECT TO PRESCRIP-**  
2 **TION DRUG BENEFITS.**

3 “A group health plan or a health insurance issuer of-  
4 fering group or individual health insurance coverage shall  
5 not, and shall ensure that any entity that provides phar-  
6 macy benefits management services under a contract with  
7 any such health plan or health insurance coverage does  
8 not, receive from a drug manufacturer a reduction in price  
9 or other remuneration with respect to any prescription  
10 drug received by an enrollee in the plan or coverage and  
11 covered by the plan or coverage, unless—

12 “(1) any such reduction in price is reflected at  
13 the point of sale to the enrollee; and

14 “(2) any such other remuneration is a flat fee-  
15 based service fee that a manufacturer of prescription  
16 drugs pays to a pharmacy benefit manager for serv-  
17 ices rendered to the manufacturer that relate to ar-  
18 rangements by the pharmacy benefit manager to  
19 provide pharmacy benefit management services to a  
20 health plan or health insurance issuer, if certain  
21 conditions established by the Secretary are met, in-  
22 cluding requirements that the fees are transparent  
23 to the health plan or health insurance issuer.”.

1           (b) EFFECTIVE DATE.—Section 2729A of the Public  
2 Health Service Act, as added by subsection (a), shall take  
3 effect on January 1, 2020.

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