

118TH CONGRESS
1ST SESSION

H. R. 5400

To amend title XVIII of the Social Security Act to assure pharmacy access and choice for Medicare beneficiaries.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2023

Mr. CARTER of Georgia (for himself, Mrs. DINGELL, Mr. ROSE, and Mr. KRISHNAMOORTHY) 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 assure pharmacy access and choice for Medicare beneficiaries.

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 “Neighborhood Options
5 for Patients Buying Medicines Act” or the “NO PBMs
6 Act”.

1 **SEC. 2. ASSURING PHARMACY ACCESS AND CHOICE FOR**
2 **MEDICARE BENEFICIARIES.**

3 Section 1860D–4(b)(1) of the Social Security Act (42
4 U.S.C. 1395w–104(b)(1)) is amended by striking subpara-
5 graph (A) and inserting the following:

6 “(A) IN GENERAL.—

7 “(i) PARTICIPATION OF ANY WILLING
8 PHARMACY.—A PDP sponsor offering a
9 prescription drug plan or a pharmacy ben-
10 efit manager acting to develop a pharmacy
11 network on behalf of such plan shall per-
12 mit the participation of any pharmacy that
13 meets the standard contract terms and
14 conditions under such plan to participate
15 as a network pharmacy of such plan.

16 “(ii) CONTRACT TERMS AND CONDI-
17 TIONS.—In accordance with clause (i), con-
18 tract terms and conditions offered by such
19 PDP sponsor or pharmacy benefit man-
20 ager shall be reasonable and relevant. Not-
21 withstanding any other provision of law,
22 not later than January 1, 2026, the Sec-
23 retary shall establish standards for reason-
24 able and relevant contract terms and con-
25 ditions for purposes of this clause.”.