

118TH CONGRESS
2D SESSION

H. R. 7718

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2024

Mr. GALLEGO 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. ASSURING PHARMACY ACCESS AND CHOICE**
4 **FOR MEDICARE BENEFICIARIES.**

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

8 “(A) IN GENERAL.—

1 “(i) PARTICIPATION OF ANY WILLING
2 PHARMACY.—A PDP sponsor offering a
3 prescription drug plan shall permit any
4 pharmacy that meets the standard contract
5 terms and conditions under such plan to
6 participate as a network pharmacy of such
7 plan.

8 “(ii) CONTRACT TERMS AND CONDI-
9 TIONS.—

10 “(I) IN GENERAL.—For plan
11 years beginning on or after January
12 1, 2028, in accordance with clause (i),
13 contract terms and conditions offered
14 by such PDP sponsor shall be reason-
15 able and relevant according to stand-
16 ards established by the Secretary
17 under subclause (II).

18 “(II) STANDARDS.—Not later
19 than the first Monday in April of
20 2027, the Secretary shall establish
21 standards for reasonable and relevant
22 contract terms and conditions for pur-
23 poses of this clause.

24 “(III) REQUEST FOR INFORMA-
25 TION.—Not later than January 1,

1 2025, for purposes of establishing the
2 standards under subclause (II), the
3 Secretary shall issue a request for in-
4 formation to seek input on trends in
5 prescription drug plan and network
6 pharmacy contract terms and condi-
7 tions, current prescription drug plan
8 and network pharmacy contracting
9 practices, whether pharmacy reim-
10 bursement and dispensing fees under
11 this part cover pharmacy ingredient
12 and operational costs, areas in current
13 regulations or program guidance re-
14 lated to contracting between prescrip-
15 tion drug plans and network phar-
16 macies requiring clarification or addi-
17 tional specificity, factors for consider-
18 ation in determining the reasonable-
19 ness and relevance of contract terms
20 and conditions between prescription
21 drug plans and network pharmacies,
22 and other issues determined appro-
23 priate by the Secretary.”.

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