

119TH CONGRESS
1ST SESSION

H. R. 5197

To amend title XVIII of the Social Security Act to limit cost sharing for drugs under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2025

Ms. MALLIOTAKIS 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 limit cost sharing for drugs under the Medicare 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 “Protect Beneficiaries
5 from Middlemen Act”.

6 **SEC. 2. LIMITATION ON COST SHARING TO NET PRICE**

7 **AMOUNT UNDER MEDICARE PART D.**

8 (a) IN GENERAL.—Section 1860D–2 of the Social
9 Security Act (42 U.S.C. 1395w–102) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (2)(A), by striking “(8)
3 and (9)” and inserting “(8), (9), and (10)”;

4 (B) in paragraph (9)(B)(ii), by striking
5 “For a plan year” and inserting “Subject to
6 paragraph (10), for a plan year”; and

7 (C) by adding at the end the following new
8 paragraph:

9 “(10) LIMITATION ON COST SHARING TO NET
10 PRICE AMOUNT.—

11 “(A) IN GENERAL.—For a plan year begin-
12 ning on or after January 1, 2027, the coverage
13 provides benefits for a supply of a covered part
14 D drug dispensed by a pharmacy, for costs in
15 excess of the deductible specified in paragraph
16 (1) and prior to an individual reaching the out-
17 of-pocket threshold under paragraph (4), with
18 cost-sharing for a month’s supply that does not
19 exceed the average net price for such a supply
20 of such drug during such plan year (or, if
21 lower, the applicable cash price for such a sup-
22 ply of such drug so dispensed by such phar-
23 macy).

24 “(B) DEFINITIONS.—In this paragraph:

1 “(i) APPLICABLE CASH PRICE.—The
2 term ‘applicable cash price’ means, with
3 respect to a supply of a covered part D
4 drug dispensed by a pharmacy, the price
5 that such pharmacy would charge for such
6 supply of such drug dispensed to an indi-
7 vidual without benefits for such drug
8 under any Federal health care program (as
9 defined in section 1128B), a group health
10 plan or group or individual health insur-
11 ance coverage (as such terms are defined
12 in section 2791 of the Public Health Serv-
13 ice Act), or the program established under
14 chapter 89 of title 5, United States Code.

15 “(ii) AVERAGE NET PRICE.—The term
16 ‘average net price’ means, with respect to
17 a supply of a covered part D drug, a pre-
18 scription drug plan, and a plan year, the
19 average amount paid under such plan (in-
20 cluding any amounts paid by an individual
21 enrolled under such plan as cost sharing
22 for such drug) as payment for such a sup-
23 ply of such drug dispensed during such
24 year, less any rebates or other forms of re-

1 muneration received under such plan with
2 respect to such drug.”; and

3 (2) in subsection (c), by adding at the end the
4 following new paragraph:

5 “(7) COST SHARING LIMITED TO NET PRICE.—

6 The coverage is provided in accordance with sub-
7 section (b)(10).”.

8 (b) CONFORMING AMENDMENT TO COST-SHARING
9 FOR LOW-INCOME INDIVIDUALS.—Section 1860D–
10 14(a)(1)(D)(iii) of the Social Security Act (42 U.S.C.
11 1395w–114(a)(1)(D)(iii)) is amended by adding at the
12 end the following new sentence: “For plan year 2027 and
13 subsequent plan years, the copayment amount applicable
14 under this clause to a supply of a covered part D drug
15 dispensed to the individual may not exceed the amount
16 provided under section 1860D–2(b)(10).”.

17 (c) GAO REPORT.—Not later than January 1, 2029,
18 the Comptroller General of the United States shall submit
19 to Congress a report containing—

20 (1) an analysis of compliance with the amend-
21 ments made by this section;

22 (2) an analysis of enforcement of such amend-
23 ments;

24 (3) recommendations with respect to improving
25 such enforcement; and

- 1 (4) recommendations relating to improving pub-
- 2 lic disclosure, and public awareness of, the require-
- 3 ments of such amendments.

