

Bill no.:	Committee Print 4
Amendment no.:	8
Date offered:	H.L.C. 0/20/02
Disposition:	Not Agreed to by 20 yeas and 30 nays

AMENDMENT TO H.R.

OFFERED BY M.

(Amendment to Medicare Modernization and Prescription Drug Act of 2002)

(Page & line nos. refer to Print of June 14, 2002 9:14 PM)

At the end of section 1860C(d) of the Social Security Act (as proposed to be inserted by section 101(a)(2)) [page 19, after line 5] add the following new paragraph:

- 1 “(3) NEGOTIATING FAIR PRICES WITH PHARMA-
- 2 CEUTICAL MANUFACTURERS.—
- 3 “(A) IN GENERAL.—The Secretary shall, con-
- 4 sistent with the goals of providing quality care and con-
- 5 taining costs under this part, negotiate contracts with
- 6 manufacturers of covered outpatient drugs that provide
- 7 for the maximum prices that may be charged to indi-
- 8 viduals enrolled in a prescription drug plan, a
- 9 Medicare+Choice plan that provides coverage of cov-
- 10 ered outpatient drugs, or a qualified retiree prescrip-
- 11 tion drug plan, by participating pharmacies for dis-
- 12 pensing such drugs to such individuals.
- 13 “(B) PROMOTION OF BREAKTHROUGH DRUGS.—
- 14 “(i) IN GENERAL.—In conducting negotiations
- 15 with manufacturers under this paragraph, the Sec-
- 16 retary shall take into account the goal of promoting
- 17 the development of breakthrough drugs.
- 18 “(ii) DEFINITION.—For purposes of this para-
- 19 graph, a drug is a ‘breakthrough drug’ if the Sec-
- 20 retary determines it is a new product that will
- 21 make a significant and major improvement by re-
- 22 ducing physical or mental illness, reducing mor-
- 23 tality, or reducing disability, and that no other
- 24 product is available to enrollees that achieves simi-
- 25 lar results for the same condition.

