

116TH CONGRESS
1ST SESSION

H. R. 2115

To amend title XI of the Social Security Act to provide greater transparency of discounts provided by drug manufacturers.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2019

Ms. SPANBERGER (for herself, Mr. ARRINGTON, and Mr. BRENDAN F. BOYLE of Pennsylvania) 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 XI of the Social Security Act to provide greater transparency of discounts provided by drug manufacturers.

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 “Public Disclosure of
5 Drug Discounts Act”.

6 **SEC. 2. PUBLIC DISCLOSURE OF DRUG DISCOUNTS.**

7 Section 1150A of the Social Security Act (42 U.S.C.
8 1320b–23) is amended—

1 (1) in subsection (e), in the matter preceding
2 paragraph (1), by inserting “(other than as per-
3 mitted under subsection (e))” after “disclosed by the
4 Secretary”; and

5 (2) by adding at the end the following new sub-
6 section:

7 “(e) PUBLIC AVAILABILITY OF CERTAIN INFORMA-
8 TION.—

9 “(1) IN GENERAL.—In order to allow the com-
10 parison of PBMs’ ability to negotiate rebates, dis-
11 counts, and price concessions and the amount of
12 such rebates, discounts, and price concessions that
13 are passed through to plan sponsors, beginning Jan-
14 uary 1, 2020, the Secretary shall make available on
15 the Internet website of the Department of Health
16 and Human Services the information with respect to
17 the second preceding calendar year provided to the
18 Secretary on generic dispensing rates (as described
19 in paragraph (1) of subsection (b)) and information
20 provided to the Secretary under paragraphs (2) and
21 (3) of such subsection that, as determined by the
22 Secretary, is with respect to each PBM.

23 “(2) AVAILABILITY OF DATA.—In carrying out
24 paragraph (1), the Secretary shall ensure the fol-
25 lowing:

1 “(A) CONFIDENTIALITY.—The information
2 described in such paragraph is displayed in a
3 manner that prevents the disclosure of informa-
4 tion on rebates, discounts, and price conces-
5 sions, with respect to an individual drug or an
6 individual plan.

7 “(B) CLASS OF DRUG.—The information
8 described in such paragraph is made available
9 by class of drug, using an existing classification
10 system, but only if the class contains such num-
11 ber of drugs, as specified by the Secretary, to
12 ensure confidentiality of proprietary informa-
13 tion or other information that is prevented to
14 be disclosed under subparagraph (A).”.

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