

117TH CONGRESS
2D SESSION

H. R. 6757

To amend title XVIII of the Social Security Act to establish under the Medicare prescription drug program a minimum amount of price concessions for insulin to be passed through to beneficiaries at the point-of-sale, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2022

Mr. BURGESS (for himself and Mrs. MILLER-MEEKS) 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 establish under the Medicare prescription drug program a minimum amount of price concessions for insulin to be passed through to beneficiaries at the point-of-sale, and for other purposes.

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 “Insulin Savings for
5 Patients Act”.

1 **SEC. 2. NEGOTIATED PRICE CONCESSIONS FOR INSULIN AT**
2 **POINT-OF-SALE UNDER PART D OF MEDI-**
3 **CARE PROGRAM.**

4 (a) IN GENERAL.—Section 1860D–2(d)(1) of the So-
5 cial Security Act (42 U.S.C. 1395w–102(d)(1)) is amend-
6 ed—

7 (1) in subparagraph (A), by striking “Under”
8 and inserting “Subject to subparagraph (D),
9 under”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(D) NEGOTIATED PRICE CONCESSIONS
13 FOR INSULIN AT POINT-OF-SALE.—

14 “(i) IN GENERAL.—For drugs dis-
15 pensed in plan year 2022 or a subsequent
16 plan year, the minimum percentage de-
17 scribed in clause (ii) for such plan year of
18 price concessions negotiated between man-
19 ufacturers and a prescription drug plan or
20 MA–PD plan (or any entity that provides
21 pharmacy benefits management services
22 under a contract with any such prescrip-
23 tion drug plan or MA–PD plan) and taken
24 into account under subparagraph (B) in
25 determining negotiated prices for the plan
26 year for covered part D drugs that are in-

1 sulin provided under such a plan shall be
2 provided to enrollees of such a plan at
3 pharmacies or by mail order service at the
4 point-of-sale of such drugs.

5 “(ii) AMOUNT OF PRICE CONCES-
6 SION.—For purposes of clause (i), and
7 subject to clause (iii), the minimum per-
8 centage described in this clause is—

9 “(I) for drugs dispensed in plan
10 year 2022, 50 percent;

11 “(II) for drugs dispensed in plan
12 year 2023, 75 percent; and

13 “(III) for drugs dispensed in
14 plan year 2024 or a subsequent plan
15 year, 100 percent.

16 “(iii) MODIFICATION OF MINIMUM
17 PERCENTAGE.—For plan years beginning
18 on or after January 1, 2024, the Secretary
19 may, through notice and comment rule-
20 making, specify a percentage other than
21 the percentage described in clause (ii) for
22 a plan year, except that in specifying such
23 percentage the Secretary shall not specify
24 a percentage that is less than 50 percent
25 of the negotiated price concession for such

1 plan year. Any percentage specified pursu-
2 ant to the authority of the previous sen-
3 tence for a plan year that would be less
4 than the percentage otherwise described in
5 clause (ii) for the plan year may only be
6 applied if such reduction in percentage is
7 justified as a benefit to individuals enrolled
8 under this title.”.

9 (b) INCLUSION OF INFORMATION IN BID SUBMIS-
10 SION.—Section 1860D–11(b)(2) of the Social Security Act
11 (42 U.S.C. 1395w–11(b)(2)) is amended—

12 (1) by redesignating subparagraph (F) as sub-
13 paragraph (G); and

14 (2) by inserting after subparagraph (E) the fol-
15 lowing new subparagraph:

16 “(F) POINT-OF-SALE PRICE CONCESSIONS
17 FOR INSULIN.—For plan years beginning on or
18 after January 1, 2022, an estimate of the ag-
19 gregate price concessions for all insulin nego-
20 tiated by the plan for such plan year.”.

21 (c) GAO STUDY AND REPORT ON INSULIN PRIC-
22 ING.—Not later than 2 years after the date of the enact-
23 ment of this Act, and annually thereafter, the Comptroller
24 General of the United States shall—

1 (1) conduct a study on the effects of the imple-
2 mentation of the requirement described in subpara-
3 graph (D) of section 1860D–2(d)(1) of the Social
4 Security Act (42 U.S.C. 1395w–102(d)(1)), as
5 added by subsection (a), including an analysis of—

6 (A) trends in the list and net prices of in-
7 sulin for qualified prescription drug coverage
8 offered by a prescription drug plan under part
9 D of the Social Security Act or an MA–PD
10 plan under part C of such title;

11 (B) savings on insulin for individuals en-
12 rolled in a prescription drug plan under part D
13 of the Social Security Act or an MA–PD plan
14 under part C of such title;

15 (C) trends in out-of-pocket costs for indi-
16 viduals enrolled in such plans, as compared to
17 individuals enrolled in a group health plan (as
18 defined in section 2791(a) of the Public Health
19 Service Act (42 U.S.C. 300gg–91(a)), a State
20 plan under title XIX of the Social Security Act,
21 or a qualified health plan offered through an
22 Exchange established under title I of the Pa-
23 tient Protection and Affordable Care Act (42
24 U.S.C. 18001 et seq.); and

1 (D) approval and market entry of bio-
2 similar insulin under section 351(k) of the Pub-
3 lic Health Service Act (42 U.S.C. 262); and

4 (2) submit to the Committee on Energy and
5 Commerce and the Committee on Ways and Means
6 in the House of Representatives, and the Committee
7 on Finance in the Senate, a report on the study con-
8 ducted under paragraph (1), with recommendations
9 on how to enhance the access of individuals enrolled
10 in a prescription drug plan under part D of the So-
11 cial Security Act or an MA–PD plan under part C
12 of such title to lower out-of-pocket costs for insulin.

13 (d) TRANSPARENCY.—Section 1860D–1(c)(3) of the
14 Social Security Act (42 U.S.C. 1395w–101(c)(3)) is
15 amended by adding at the end the following new subpara-
16 graph:

17 “(C) ADDITIONAL INFORMATION.—For
18 plan year 2022 and each subsequent plan year,
19 such information referred to in paragraph
20 (2)(A) shall also include, for a plan year, infor-
21 mation regarding the requirement described in
22 subparagraph (D) of section 1860D–2(d)(1)
23 with respect to insulin negotiated by the plan
24 for such plan year.”.

○