

117TH CONGRESS
2D SESSION

H. R. 7828

To amend the Public Health Service Act to shorten the exclusivity period for brand name biological products from 12 to 5 years.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2022

Ms. SCHAKOWSKY (for herself, Mr. WESTERMAN, Mr. KHANNA, Mr. DOGGETT, Mr. POCAN, Ms. KAPTUR, Mr. GARCÍA of Illinois, and Ms. DELAURO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to shorten the exclusivity period for brand name biological products from 12 to 5 years.

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 “Price Relief, Innova-
5 tion, and Competition for Essential Drugs Act” or the
6 “PRICED Act”.

1 **SEC. 2. EXCLUSIVITY PERIOD FOR BRAND NAME BIOLOGI-**
2 **CAL PRODUCTS.**

3 (a) **IN GENERAL.**—Section 351(k)(7)(A) of the Pub-
4 lic Health Service Act (42 U.S.C. 262(k)(7)(A)) is amend-
5 ed by striking “12 years” and inserting “5 years”.

6 (b) **CONFORMING CHANGES.**—Paragraphs (2)(A) and
7 (3)(A) of section 351(m) of the Public Health Service Act
8 (42 U.S.C. 262(m)) is amended by striking “12 years”
9 each place it appears and inserting “5 years”.

10 (c) **APPLICABILITY.**—This Act and the amendments
11 made by this Act apply only with respect to a biological
12 product for which the reference product (as such term is
13 used in section 351 of the Public Health Service Act (42
14 U.S.C. 262)) is licensed under subsection (a) of such sec-
15 tion on or after the date of enactment of this Act.

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