

118TH CONGRESS
1ST SESSION

S. 1133

To amend the Public Health Service Act to clarify rules relating to drug discounts for covered entities.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2023

Mr. BRAUN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to clarify rules relating to drug discounts for covered entities.

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 “340B Accountability
5 Act of 2023”.

6 **SEC. 2. DRUG DISCOUNTS AND AUDITS FOR COVERED ENTI-**
7 **TIES.**

8 Section 340B(a)(5)(C) of the Public Health Service
9 Act (42 U.S.C. 256b(a)(5)(C)) is amended—

1 (1) by striking “A covered entity shall permit”
2 and inserting the following:

3 “(i) DUPLICATE DISCOUNTS AND
4 DRUG RESALE.—A covered entity shall per-
5 mit”; and

6 (2) by adding at the end the following:

7 “(i) USE OF SAVINGS.—A covered en-
8 tity shall permit the Secretary to audit, at
9 the Secretary’s expense, the records of the
10 entity to determine how net income from
11 purchases under this section are used by
12 the covered entity.

13 “(ii) RECORDS RETENTION.—A cov-
14 ered entity shall retain such records and
15 provide such records and reports as deter-
16 mined necessary by the Secretary for car-
17 rying out this subparagraph.”.

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