

118TH CONGRESS  
1ST SESSION

# S. 2436

To amend title XVIII of the Social Security Act to assure pharmacy access and choice for Medicare beneficiaries.

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IN THE SENATE OF THE UNITED STATES

JULY 20, 2023

Mr. MANCHIN (for himself and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to assure pharmacy access and choice for Medicare beneficiaries.

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 “Neighborhood Options  
5 for Patients Buying Medicines Act” or the “NO PBMs  
6 Act”.

1 **SEC. 2. ASSURING PHARMACY ACCESS AND CHOICE FOR**  
2 **MEDICARE BENEFICIARIES.**

3 Section 1860D–4(b)(1) of the Social Security Act (42  
4 U.S.C. 1395w–104(b)(1)) is amended by striking subpara-  
5 graph (A) and inserting the following:

6 “(A) IN GENERAL.—

7 “(i) PARTICIPATION OF ANY WILLING  
8 PHARMACY.—A PDP sponsor offering a  
9 prescription drug plan or a pharmacy ben-  
10 efit manager acting to develop a pharmacy  
11 network on behalf of such plan shall per-  
12 mit the participation of any pharmacy that  
13 meets the standard contract terms and  
14 conditions under such plan to participate  
15 as a network pharmacy of such plan.

16 “(ii) CONTRACT TERMS AND CONDI-  
17 TIONS.—In accordance with clause (i), con-  
18 tract terms and conditions offered by such  
19 PDP sponsor or pharmacy benefit man-  
20 ager shall be reasonable and relevant. Not-  
21 withstanding any other provision of law,  
22 not later than January 1, 2026, the Sec-  
23 retary shall establish standards for reason-  
24 able and relevant contract terms and con-  
25 ditions for purposes of this clause.”.