

118TH CONGRESS
1ST SESSION

S. 2456

To amend title XVIII of the Social Security Act to limit beneficiary cost-sharing to the net price of covered part D drugs.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2023

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

A BILL

To amend title XVIII of the Social Security Act to limit beneficiary cost-sharing to the net price of covered part D drugs.

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 “Protecting Seniors
5 from High Drug Costs Act”.

6 **SEC. 2. PROTECTING SENIORS FROM EXCESSIVE COST-**
7 **SHARING UNDER MEDICARE PART D.**

8 (a) IN GENERAL.—Section 1860D–2 of the Social
9 Security Act (42 U.S.C. 1395w–102) is amended—

10 (1) in subsection (b)—

1 (A) in paragraph (2)(A), in the matter
 2 preceding clause (i), by striking “and (9)” and
 3 inserting “, (9), and (10)”; and

4 (B) by adding at the end the following new
 5 paragraph:

6 “(10) LIMITING COST-SHARING TO NET
 7 PRICE.—

8 “(A) IN GENERAL.—For plan years begin-
 9 ning on or after January 1, 2026, the cost-
 10 sharing (for costs above the annual deductible
 11 specified in paragraph (1)) for a covered part D
 12 drug (other than a covered part D drug de-
 13 scribed in paragraph (8) or (9)) shall not ex-
 14 ceed the applicable amount specified in sub-
 15 paragraph (B).

16 “(B) APPLICABLE AMOUNT SPECIFIED.—
 17 The applicable amount specified in this sub-
 18 paragraph, with respect to a covered part D
 19 drug under a prescription drug plan or an MA-
 20 PD plan, is the negotiated price of the covered
 21 part D drug under the prescription drug plan
 22 or MA-PD plan, net of any manufacturer-pro-
 23 vided price concessions (as defined under sec-
 24 tion 423.100 of title 42, Code of Federal Regu-
 25 lations (or any successor regulation)), as re-

1 reported for such drug in the Detailed DIR Re-
2 port (or any successor report) submitted by the
3 sponsor or organization offering the plan for
4 the previous plan year.

5 “(C) ENFORCEMENT.—

6 “(i) IN GENERAL.—A PDP sponsor of
7 a prescription drug plan or an MA organi-
8 zation offering an MA–PD plan that vio-
9 lates the requirements under this para-
10 graph, with respect to a covered part D
11 drug under such plan, may be subject to a
12 civil monetary penalty, as determined ap-
13 propriate by the Secretary.

14 “(ii) APPLICATION.—The provisions
15 of section 1128A (other than subsections
16 (a) and (b)) shall apply to a civil monetary
17 penalty under this subparagraph in the
18 same manner as such provisions apply to a
19 penalty or proceeding under section
20 1128A(a).”.

21 (2) in subsection (c), by adding at the end the
22 following new paragraph:

23 “(7) LIMITING COST-SHARING TO NET PRICE.—

24 The coverage is provided in accordance with sub-
25 section (b)(10).”.

1 (b) CONFORMING AMENDMENT TO COST-SHARING
2 FOR LOW-INCOME INDIVIDUALS.—Section 1860D–
3 14(a)(1)(D)(iii) of the Social Security Act (42 U.S.C.
4 1395w–114(a)(1)(D)(iii)) is amended by adding at the
5 end the following new sentence: “For plan year 2026, and
6 subsequent plan years, the copayment amount applicable
7 under this clause to a covered part D drug dispensed to
8 the individual may not exceed the applicable amount speci-
9 fied in section 1860D–2(b)(10)(B) for the covered part
10 D drug under the prescription drug plan or MA–PD plan
11 in which the individual is enrolled.”.

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