

115TH CONGRESS
2D SESSION

S. 2553

To amend title XVIII of the Social Security Act to prohibit health plans and pharmacy benefit managers from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2018

Ms. STABENOW (for herself, Ms. COLLINS, Mr. WYDEN, Mr. CASSIDY, Mrs. MCCASKILL, and Mr. BARRASSO) 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 prohibit health plans and pharmacy benefit managers from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals.

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 “Know the Lowest Price
5 Act of 2018”.

1 **SEC. 2. PROHIBITION ON LIMITING CERTAIN INFORMATION**
2 **ON DRUG PRICES.**

3 (a) IN GENERAL.—Section 1860D–4 of the Social
4 Security Act (42 U.S.C. 1395w–104) is amended by add-
5 ing at the end the following new subsection:

6 “(m) PROHIBITION ON LIMITING CERTAIN INFORMA-
7 TION ON DRUG PRICES.—A PDP sponsor and a Medicare
8 Advantage organization shall ensure that—

9 “(1) any health benefits plan offered by the
10 sponsor or organization, including a prescription
11 drug plan and an MA–PD plan, does not restrict a
12 pharmacy that dispenses a prescription drug or bio-
13 logical from informing (or penalize such pharmacy
14 for informing) an enrollee of any differential be-
15 tween the price of the drug or biological to the en-
16 rollee under the plan and the price the individual
17 would pay for the drug or biological if the enrollee
18 obtained the drug without using any health insur-
19 ance coverage; and

20 “(2) any entity that provides pharmacy benefits
21 management services under a contract with any
22 health benefits plan offered by the sponsor or orga-
23 nization does not, with respect to such plan or any
24 health benefits plan that the entity contracts with to
25 provide pharmacy benefits management services and
26 that is offered by an entity other than such sponsor

1 or organization, restrict a pharmacy that dispenses
2 a prescription drug or biological from informing (or
3 penalize such pharmacy for informing) an enrollee of
4 any differential between the price of the drug or bio-
5 logical to the enrollee under the plan and the price
6 the individual would pay for the drug or biological
7 if the enrollee obtained the drug without using any
8 health insurance coverage.”.

9 (b) **EFFECTIVE DATE.**—The amendment made by
10 subsection (a) shall apply to plan years beginning on or
11 after January 1, 2020.

○