

116TH CONGRESS
2D SESSION

S. 4674

To amend title XIX of the Social Security Act to clarify that drugs and biologicals used for medication-assisted treatment under Medicaid are subject to the requirements of the Medicaid Drug Rebate Program.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2020

Ms. KLOBUCHAR (for herself and Ms. SMITH) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to clarify that drugs and biologicals used for medication-assisted treatment under Medicaid are subject to the requirements of the Medicaid Drug Rebate Program.

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 “Strengthening Med-
5 icaid Coverage of MAT Act”.

1 **SEC. 2. INCLUSION IN THE MEDICAID DRUG REBATE PRO-**
2 **GRAM OF COVERED OUTPATIENT DRUGS**
3 **USED FOR MEDICATION-ASSISTED TREAT-**
4 **MENT.**

5 (a) IN GENERAL.—Section 1905 of the Social Secu-
6 rity Act (42 U.S.C. 1396d) is amended—

7 (1) in paragraph (29) of subsection (a)—

8 (A) by moving the margin of such para-
9 graph 2 ems to the right; and

10 (B) by striking “subject to paragraph (2)”
11 and inserting “subject to paragraphs (2) and
12 (3)”; and

13 (2) in subsection (ee), by adding at the end the
14 following:

15 “(3) APPLICATION OF REBATE REQUIRE-
16 MENTS.—The requirements of section 1927 shall
17 apply to any drug or biological product described in
18 paragraph (1)(A) that is—

19 “(A) furnished as medical assistance in ac-
20 cordance with subsection (a)(29) and section
21 1902(a)(10)(A); and

22 “(B) a covered outpatient drug (as defined
23 in section 1927(k), except that, in applying
24 paragraph (2)(A) of such section to a drug de-
25 scribed in paragraph (1)(A), such drug shall be

1 deemed a prescribed drug for purposes of sub-
2 section (a)(12)).”.

3 (b) CONFORMING AMENDMENT.—Section 1927(d)(7)
4 of the Social Security Act (42 U.S.C. 1396r–8(d)(7)) is
5 amended by adding at the end the following new subpara-
6 graph:

7 “(D) Drugs and biological products de-
8 scribed in subsection (ee)(1)(A) of section 1905
9 that are furnished as medical assistance in ac-
10 cordance with subsection (a)(29) of such section
11 and section 1902(a)(10)(A).”.

12 (c) RETROACTIVE EFFECTIVE DATE.—The amend-
13 ments made by this section shall take effect as if included
14 in the enactment of section 1006(b) of the SUPPORT for
15 Patients and Communities Act (Public Law 115–271; 132
16 Stat. 3914).

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