

112TH CONGRESS
1ST SESSION

S. 733

To amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2011

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

A BILL

To amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXCLUDING CUSTOMARY PROMPT PAY DIS-**
2 **COUNTS FROM MANUFACTURERS TO WHOLE-**
3 **SALERS FROM THE AVERAGE SALES PRICE**
4 **FOR MEDICARE PAYMENTS FOR DRUGS AND**
5 **BIOLOGICALS.**

6 (a) **IN GENERAL.**—Section 1847A(c)(3) of the Social
7 Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended—

8 (1) in the first sentence, by inserting “(other
9 than customary prompt pay discounts extended to
10 wholesalers)” after “prompt pay discounts”; and

11 (2) in the second sentence, by inserting “(other
12 than customary prompt pay discounts extended to
13 wholesalers)” after “other price concessions”.

14 (b) **EFFECTIVE DATE.**—The amendments made by
15 this section shall apply to drugs and biologicals that are
16 furnished on or after January 1, 2012.

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