

117TH CONGRESS
1ST SESSION

S. 3339

To limit cost sharing for prescription drugs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2021

Mr. WARNOCK (for himself, Ms. KLOBUCHAR, Mr. MENENDEZ, Ms. BALDWIN, Mr. REED, Mrs. MURRAY, Ms. SMITH, Mr. HEINRICH, Mr. BLUMENTHAL, Ms. HIRONO, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To limit cost sharing for prescription drugs, and for other purposes.

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 “Capping Prescription
5 Costs Act of 2021”.

6 **SEC. 2. CAP ON PRESCRIPTION DRUG COST-SHARING.**

7 (a) QUALIFIED HEALTH PLANS.—Section 1302(c) of
8 the Patient Protection and Affordable Care Act (42
9 U.S.C. 18022(c)) is amended—

(1) in paragraph (3)(A)(i), by inserting “, including cost-sharing with respect to prescription drugs covered by the plan” after “charges”; and

(2) by adding at the end the following:

“(5) PRESCRIPTION DRUG COST-SHARING.—

“(A) 2023.—For plan years beginning in 2023, the cost-sharing incurred under a health plan with respect to prescription drugs covered by the plan shall not exceed \$250 per month for each enrolled individual, or \$500 for each family.

“(B) 2024 AND LATER.—

“(i) IN GENERAL.—In the case of any plan year beginning in a calendar year after 2023, the limitation under this paragraph shall be equal to the applicable dollar amount under subparagraph (A) for plan years beginning in 2023, increased by an amount equal to the product of that amount and the medical care component of the consumer price index for all urban consumers (as published by the Bureau of Labor Statistics) for that year.

“(ii) ADJUSTMENT TO AMOUNT.—If the amount of any increase under clause

1 (i) is not a multiple of \$5, such increase
2 shall be rounded to the next lowest mul-
3 tiple of \$5.”.

4 (b) GROUP HEALTH PLANS.—Section 2707(b) of the
5 Public Health Service Act (42 U.S.C. 300gg–6(b)) is
6 amended—

7 (1) by striking “annual”; and

8 (2) by striking “paragraph (1) of section
9 1302(c)” and inserting “paragraphs (1) and (5) of
10 section 1302(c) of the Patient Protection and Af-
11 fordable Care Act”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 subsections (a) and (b) shall take effect with respect to
14 plans beginning after December 31, 2022.

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