

118TH CONGRESS
2D SESSION

H. R. 10305

To amend title XVIII of the Social Security Act to exempt certain drugs from the part D manufacturer discount program under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2024

Mr. GARBARINO (for himself, Mrs. HARSHBARGER, and Mr. SUOZZI) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to exempt certain drugs from the part D manufacturer discount program under the Medicare 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. EXEMPTING CERTAIN DRUGS FROM THE PART**
4 **D MANUFACTURER DISCOUNT PROGRAM**
5 **UNDER THE MEDICARE PROGRAM.**

6 Section 1860D–14C(g)(2) of the Social Security Act
7 (42 U.S.C. 1395w–114c(g)(2)) is amended—

1 (1) in subparagraph (A), by striking “and” at
2 the end;

3 (2) in subparagraph (B), by striking the period
4 and inserting “; and”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(C) does not include an orally adminis-
8 tered drug—

9 “(i) for which a new drug application
10 was approved under section 505 of the
11 Federal Food, Drug, and Cosmetic Act;
12 and

13 “(ii) that has been granted a narrow
14 exception permitting reclassification as a
15 noninnovator multiple source drug under
16 the Medicaid drug rebate program by the
17 Centers for Medicare & Medicaid Serv-
18 ices.”.

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