

118TH CONGRESS
1ST SESSION

S. _____

To amend the Public Health Service Act to increase the transparency and accountability of the drug discount program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Public Health Service Act to increase the transparency and accountability of the drug discount program, 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 “340B Reporting and
5 Accountability Act”.

6 **SEC. 2. REQUIREMENT TO PROVIDE DRUG DISCOUNTS TO**
7 **PATIENTS.**

8 (a) IN GENERAL.—Section 340B(a)(5) of the Public
9 Health Service Act (42 U.S.C. 256b(a)(5)) is amended—

1 (1) in subparagraph (C), by striking “subpara-
2 graphs (A) or (B)” and inserting “subparagraph
3 (A), (B), or (E)”;

4 (2) in subparagraph (D), by striking “subpara-
5 graphs (A) or (B)” and inserting “subparagraph
6 (A), (B), or (E)”;

7 (3) by adding at the end the following:

8 “(E) REQUIREMENT TO PROVIDE DRUG
9 DISCOUNTS TO PATIENTS.—A covered entity
10 shall ensure that each patient who receives a
11 covered outpatient drug from such covered enti-
12 ty is provided such drug at a price that does
13 not exceed the price at which the covered entity
14 purchased the drug in accordance with para-
15 graph (1), less any additional discounts or re-
16 bates received by the covered entity with respect
17 to the drug.”.

18 (b) REPORTING REQUIREMENTS FOR DRUG DIS-
19 COUNT PROGRAM.—Section 340B(d)(2)(B) of the Public
20 Health Service Act (42 U.S.C. 256b(d)(2)(B)) is amended
21 by adding at the end the following:

22 “(vi)(I) Not later than 1 year after
23 the date of enactment of the 340B Report-
24 ing and Accountability Act, the develop-
25 ment of procedures to require each covered

1 entity to report to the Secretary, not less
2 frequently than annually, information on—

3 “(aa) the total amount paid by
4 the covered entity during the report-
5 ing period for covered outpatient
6 drugs under subsection (a);

7 “(bb) the total amount received
8 by the covered entity during the re-
9 porting period for such covered out-
10 patient drugs; and

11 “(cc) if a covered entity receives
12 any revenue as a result of charging a
13 price for a covered outpatient drug
14 that exceeds the price at which the
15 covered entity purchased the drug,
16 how the covered entity spent such rev-
17 enue.

18 “(II) The Secretary shall make the in-
19 formation reported under subclause (I)
20 publicly available.”.