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Drug Pricing Legislation Summary

The issue of skyrocketing prescription drug prices continues to make headlines as consumers, providers, and payers have all been impacted. In response, multiple legislative initiatives have been introduced in Congress to address the problem. These range from drug importation from foreign sources, to allowing Medicare to negotiate prices under Part D, to providing incentives to increase competition in the generic drug marketplace. The table below is a summary of current legislation in the 115th Congress. It should be noted that we do not expect any of these bills to pass individually, but could be included in a larger health care bill, such as the reauthorization of the Prescription Drug User Fee Act currently under construction.

Bills Introduced in the Senate

Bill Name and Number	Lead Sponsor	Summary	Status	Companion	Number of Cosponsors
Medicare Prescription Drug Price Negotiation Act (S. 41)	Sen. Amy Klobuchar (D-MN)	Allows CMS to negotiate with pharmaceutical companies regarding prices covered under Medicare part D.	Assigned to Committee on Finance	H.R. 242 (Introduced by Welch)	13
Safe and Affordable Drugs from Canada Act of 2017 (S.92)	Sen. John McCain (R-AZ)	Requires FDA to develop regulations on importation of drugs from Canada for personal use.	Assigned to Health, Education, Labor and Pension (HELP) Committee		10
Preserve Access to Affordable Generics Act (S. 124)	Sen. Amy Klobuchar (D-MN)	Prohibits brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.	Assigned to Committee on the Judiciary		1
Short on Competition Act (S.183)	Sen. Amy Klobuchar (D-MN)	Allows for expedited generic drug approval and temporary importation of prescription drugs in cases of drug shortages and noncompetitive markets.	Assigned to HELP Committee		1

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Increasing Competition in Pharmaceuticals Act (S. 297)	Sen. Susan Collins (R-ME)	Prioritizes generic drug applications, or supplements to generic drug applications, when drugs are in shortage or there is only one manufacturer when tentative approval has not been granted to more than two applications.	Assigned to HELP Committee	H.R. 749 (Introduced by Schrader)	2
Prescription Drug and Health Improvement Act of 2017 (S. 348)	Sen. Al Franken (D-MN)	Requires HHS to negotiate lower drug prices for Medicare part D.	Assigned to Committee on Finance		3
The Affordable and Safe Prescription Drug Importation Act (S.469)	Sen. Bernie Sanders (I-VT)	Permits the importation of prescription drugs by wholesale distributors, pharmacies, and individuals.	Assigned to HELP Committee for review		21
Creating Transparency to Have Drug Rebates Unlocked (C-THRU) Act of 2017 (S. 637)	Sen. Ron Wyden	Instructs HHS to provide information on rebates, discounts, and price concessions as they relate to PBMs to allow for negotiation.	Assigned to Committee on Finance		3
Improving Access to Affordable Prescription Drug Act (S. 771)	Sen. Al Franken (D-MN)	<ul style="list-style-type: none"> • Addresses transparency and accountability. • Allows for price negotiation for Medicare part D. Permits drug importation from FDA-inspected and licensed Canadian facilities. • Requires rebates for individuals who are dually eligible for Medicare and Medicaid and other Medicare patients in Medicare low-income-subsidy plans, and placing a cap on prescription drug cost-sharing. 	Assigned to Committee on Finance	H.R. 1776 (Introduced by Schakowsky)	15

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		<ul style="list-style-type: none"> Provides funding for innovation through the NIH. Makes pay for delay illegal and allows FDA to remove the 180-day generic drug exclusivity period for companies that engage in pay-for-delay. 			
CREATES Act (S. 974)	Sen. Patrick Leahy (D-VT)	Promotes competition in the market for drugs and biological products by facilitating the timely entry of lower-cost generic and biosimilar versions by allowing generic companies access to brand-name samples, shared safety protocols, and allows FDA to approve alternate safety protocols.	Assigned to Committee on the Judiciary	H.R. 2212 (Introduced by Marino)	16
Fair Accountability and Innovative Research Drug Pricing Act of 2017 (S. 1131)	Sen. Tammy Baldwin (D-WI)	Requires reporting of a price increase of specific drugs within a specified time period.	Assigned to HELP Committee	H.R. 2439 (Introduced by Baldwin)	1
Stop Price Gouging Act (S. 1369)	Sen. Sherrod Brown (D-OH)	Establishes an excise tax on drugs that have experienced a price spike of a specified amount.	Assigned to Committee on Finance		8
Keeping Health Insurance Affordable Act of 2017 (S. 1511)	Sen. Ben Cardin (D-MD)	Provides rebates to Medicare for drugs dispensed to low-income Part D beneficiaries and allows for price negotiation for Medicare part D	Assigned to Committee on Finance		0
Rule to Require Fair Pricing on Taxpayer-Funded Prescription Drugs (S. 1681)	Sen. Bernard Sanders (I-VT)	Requires federal agencies and federally-funded non-profit organizations to secure reasonable pricing agreements from drug manufacturers before granting	Assigned to HELP Committee	H.R. 3536	0

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Bill Name and Number	Lead Sponsor	Summary	Status	Companion	Number of Cosponsors
		exclusive rights to develop drugs, vaccines or other health care products.			
The Medicare Drug Price Negotiation Act of 2017 (S. 2011)	Sen. Bernard Sanders (I-VT)	Directs the Secretary of the Department of Health and Human Services (HHS) to negotiate with manufacturers for lower prices on prescription drugs covered by Medicare Part D.	Assigned to Senate Finance Committee	S. 2011 (Introduced by Sanders)	7

Bills Introduced in the House

Bill Name and Number	Lead Sponsor	Summary	Status	Companion	Number of Cosponsors
Medicare Prescription Drug Price Negotiation Act (H.R. 242)	Rep. Peter Welch (D-VT)	Allows CMS to negotiate with pharmaceutical companies regarding prices covered under Medicare part D.	Assigned to Energy and Commerce Subcommittee on Health	S. 41 (Introduced by Klobuchar)	32
Lower Drugs Through Competition Act (H.R. 749)	Rep. Kurt Schrader (D-OR)	Requires the FDA to prioritize generic drug applications or supplements to generic drug applications for: drugs where there is a shortage or there is only one manufacturer when tentative approval has not been granted to more than two applications.	Assigned to Energy and Commerce Subcommittee on Health	S. 297 (Introduced by Collins)	24
Personal Drug Importation Fairness Act of 2017 (H.R. 934)	Rep. Keith Ellison (D-MN)	Permits the importation or re-importation into the United States.	Assigned to Energy and Commerce Subcommittee on Health		1
Affordable and Safe Prescription Drug Importation Act (H.R. 1245)	Rep. Elijah E. Cummings (D-MD)	Permits the importation of prescription drugs by wholesale distributors, pharmacies, and individuals.	Assigned to Energy and Commerce Subcommittee on Health	S. 469 (Introduced by Sanders)	28
Safe and Affordable Drugs from Canada Act of 2017 (H.R. 1480)	Rep. Chellie Pingree (D-ME)	Allows for the personal importation of drugs from approved pharmacies in Canada.	Assigned to Energy and Commerce Subcommittee on Health		8
Prescription Reduction in Costs for Everyone (PRICE) Act of 2017 (H.R. 1775)	Rep. Peter A. DeFazio (D-OR)	Directs the president to negotiate prescription drug prices and establish a formulary on behalf of Medicare beneficiaries.	Assigned to House Ways and Means Committee and Energy and Commerce Committee		2

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Improving Access to Affordable Prescription Drug Act (H.R. 1776)	Rep. Janice Schakowsky (D-IL)	<ul style="list-style-type: none"> • Addresses transparency and accountability. • Allows for price negotiation for Medicare part D. Permits drug importation from FDA-inspected and licensed Canadian facilities. • Requires rebates for individuals who are dually eligible for Medicare and Medicaid and other Medicare patients in Medicare low-income-subsidy plans, and placing a cap on prescription drug cost-sharing. • Provides funding for innovation through the NIH. • Makes pay for delay illegal and allows FDA to remove the 180-day generic drug exclusivity period for companies that engage in pay-for-delay. 	Assigned to House Ways and Means Committee, Energy and Commerce Committee, and House Judiciary Committee	S. 771 (Introduced by Franken)	20
FAST Generics Act of 2017 (H.R. 2051)	Reps. David McKinley (R-WV)	Prohibits manufacturers of an FDA approved drug or biologic from restricting access to a drug (from an eligible product developer) for testing purposes, this includes access to single-shared REMS program.	Assigned to Energy and Commerce Subcommittee on Health		9
CREATES Act (H.R. 2212)	Rep. Tom Marino (R-PA)	Promotes competition in the market for drugs and biological products by facilitating the timely entry of lower-cost generic and biosimilar versions	Assigned to Energy and Commerce Subcommittee on Health and House	S. 974 (Introduced by Leahy)	3

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		by allowing generic companies access to brand-name samples, shared safety protocols, and allows FDA to approve alternate safety protocols.	Judiciary Committee		
Fair Accountability and Innovative Research Drug Pricing Act of 2017 (H.R. 2439)	Rep. Jan Schakowsky (D-IL)	Requires reporting of a price increase of specific drugs within a specified time period.	Assigned to Energy and Commerce Subcommittee on Health	S. 1131 (Introduced by Baldwin)	8
Stop Price Gouging Act (H.R. 2974)	Rep. Mark D. Pocan (D-WI)	Establishes an excise tax on drugs that have experienced a price spike of a specified amount.	Assigned to House Ways and Means Committee and Energy and Commerce Subcommittee on Health	S. 1369 (Introduced by Brown)	2
Rule to Require Fair Pricing on Taxpayer-Funded Prescription Drugs (H.R. 3536)	Rep. Peter DeFazio (D-OR)	Requires federal agencies and federally-funded non-profit organizations to secure reasonable pricing agreements from drug manufacturers before granting exclusive rights to develop drugs, vaccines or other health care products.	Assigned to Energy and Commerce Subcommittee on Health	S. 1681	6
Transparent Drug Pricing Act of 2017 (H.R. 4116)	Rep. Lloyd Doggett (D-TX)	Requires drug manufactures to disclose information that influences drug prices.	Assigned to Energy and Commerce Subcommittee on Health		18
Competitive DRUGS Act of 2017 (H. R. 4117)	Rep. Lloyd Doggett (D-TX)	Prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and for other purposes ("Pay-for-delay").	Assigned to House Ways and Means Committee, Energy and Commerce Committee		23

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Bill Name and Number	Lead Sponsor	Summary	Status	Companion	Number of Cosponsors
			Subcommittee on Digital Commerce and Consumer Protection , and House Judiciary Committee		
The Medicare Drug Price Negotiation Act of 2017 (H. R. 4138)	Rep. Elijah E. Cummings (D-MD)	Directs the Secretary of the Department of Health and Human Services (HHS) to negotiate with manufacturers for lower prices on prescription drugs covered by Medicare Part D.	Assigned to House Ways and Means Committee and Energy and Commerce Committee	S. 2011 (Introduced by Sanders)	18