

**AMENDMENT OFFERED BY REP. DOGGETT**

The amendment would direct the Secretary of Health and Human Services to negotiate prices for naloxone drugs under Medicare Part D and Medicare Advantage plans.

**AMENDMENT TO H.R. 5773**  
**OFFERED BY MR. DOGGETT OF TEXAS**

Add at the end the following new section:

1 **SEC. \_\_\_\_ . REQUIRING THE NEGOTIATION OF LOWER COV-**  
2 **ERED PART D DRUG PRICES FOR OPIOID**  
3 **OVERDOSE REVERSAL DRUGS.**

4 (a) IN GENERAL.—Section 1860D-11(i) of the Social  
5 Security Act (42 U.S.C. 1395w-11(i)) is amended—

6 (1) by redesignating paragraphs (1) and (2) as  
7 subparagraphs (A) and (B), respectively, and adjust-  
8 ing the margins accordingly;

9 (2) by striking “In order to promote” and in-  
10 serting the following:

11 “(1) IN GENERAL.—Subject to paragraph (2),  
12 in order to promote”; and

13 (3) by adding at the end the following new  
14 paragraph:

15 “(2) NEGOTIATION OF PRICES FOR OPIOID  
16 OVERDOSE REVERSAL DRUGS.—

17 “(A) IN GENERAL.—Notwithstanding any  
18 other provision of law, the Secretary shall nego-  
19 tiate with pharmaceutical manufacturers the  
20 prices (including discounts, rebates, and other

1 price concessions) that may be charged to PDP  
2 sponsors and MA organizations for applicable  
3 covered part D drugs (as defined in subpara-  
4 graph (B)) for part D eligible individuals who  
5 are enrolled under a prescription drug plan or  
6 under an MA-PD plan.

7 “(B) ESTABLISHMENT OF PRICE.—In the  
8 case that the Secretary is unable to negotiate a  
9 price with respect to an applicable covered part  
10 D drug for a year under subparagraph (A), the  
11 Secretary shall—

12 “(i) establish such price for such year  
13 for part D eligible individuals who are en-  
14 rolled under a prescription drug plan or  
15 under an MA-PD plan at the amount ne-  
16 gotiated by the Secretary of Veterans Af-  
17 fairs under section 8126 of title 38, United  
18 States Code, for such drug and such year;  
19 or

20 “(ii) subject to the remedies specified  
21 in section 1498 of title 28, United States  
22 Code, use or manufacture such drug and  
23 set a price for such drug as determined ap-  
24 propriate by the Secretary.

1           “(C) CONSTRUCTION.—Nothing in this  
2           paragraph shall be construed as preventing the  
3           sponsor of a prescription drug plan or an orga-  
4           nization offering an MA-PD plan from obtain-  
5           ing a discount or reduction of the price for an  
6           applicable covered part D drug below the price  
7           negotiated under subparagraph (A) or estab-  
8           lished under subparagraph (B).

9           “(D) APPLICABLE COVERED PART D DRUG  
10          DEFINED.—In this paragraph, the term ‘appli-  
11          cable covered part D drug’ means a covered  
12          part D drug used to reverse opioid overdoses  
13          (such as naloxone).”.

14          (b) EFFECTIVE DATE.—The amendments made by  
15          subsection (a) shall apply with respect to plan years begin-  
16          ning on or after January 1, 2019.

