

Primary PBM Bills Under Consideration

Bill	Status	PBM Provisions	CBO Score
<b><u>H.R.5378</u>, the Lower Costs, More Transparency Act</b>	Passed by the House	<ul style="list-style-type: none"> <li>PBM transparency requirements</li> <li>Prohibiting spread pricing in Medicaid</li> </ul>	<p><u>Score:</u></p> <ul style="list-style-type: none"> <li><b>Transparency:</b> Net decrease of \$2.5 billion. Decreases spending by \$23 million and increases revenue by \$2.157 billion</li> <li><b>Prohibiting spread pricing:</b> Decreases spending by \$1.078 billion</li> </ul>
<b><u>S. 2973</u>, The Modernizing and Ensuring PBM Accountability (MEPA) Act provisions included in the <u>Better Mental Health Care, Lower-Cost Drugs, and Extenders Act</u></b>	Advanced out of Senate Finance Committee	<ul style="list-style-type: none"> <li>PBM transparency requirements, including information related to rebates, formulary placement, affiliated pharmacies.</li> <li>Prohibiting spread pricing in Medicaid</li> <li>Delinking PBM reimbursement from drug price and utilization in Medicare</li> <li>Establishing standardized pharmacy performance measures</li> <li>Addresses network pharmacies and access to Part D drugs</li> <li>Adds PBMs to conflict of interests for pharmacy and therapeutics (P&amp;T) committees</li> <li>Any pharmacy willing</li> <li>Surveying of Medicaid pharmacy prices</li> <li>Limiting cost sharing for certain highly rebated drugs</li> <li>Facilities midyear formulary changes for biosimilars</li> <li>Requires HHS to hold at least one beneficiary focused listening session on potential improvements in Part d plan management</li> <li>Reports and studies on price-linked compensation across the supply chain, inappropriate pharmacy rejections, drug shortages, and biosimilar and generic drug access</li> </ul>	<p><u>Score:</u></p> <ul style="list-style-type: none"> <li><b>Transparency and delinking provisions:</b> Decreases spending by \$719 million</li> <li><b>Pharmacy performance measures in Part D:</b> Increases spending by \$4 million</li> <li><b>Pharmacy transparency in Part D:</b> Increases spending by \$2 million</li> <li><b>Prohibiting spread pricing in Medicaid:</b> Decreases spending by \$306 million</li> <li><b>Allowing midyear formulary changes for biosimilars:</b> Decreases spending by \$222 million</li> </ul>
<b><u>H.R. 8261</u>, the Preserving Telehealth, Hospital, and Ambulance Access Act</b>	Advanced out of the W&M Committee	<ul style="list-style-type: none"> <li>PBM transparency requirements</li> <li>Delinking PBM reimbursement from drug price and utilization in Medicare</li> <li>Prohibiting spread pricing in Medicaid</li> </ul>	<ul style="list-style-type: none"> <li>No CBO score</li> </ul>

Features provisions from the MEPA Act			
<b><u>H.R. 7623</u>, the Telehealth Modernization Act</b>  Features provisions from the MEPA Act	Advanced by E&C Health Subcommittee	<ul style="list-style-type: none"> <li>• PBM transparency requirements</li> <li>• Delinking PBM reimbursement from drug price and utilization in Medicare</li> <li>• Prohibiting spread pricing in Medicaid</li> </ul>	<ul style="list-style-type: none"> <li>• No CBO score</li> </ul>
<b><u>S. 1339</u>, the Pharmacy Benefit Manager Reform Act</b>	Advanced out of HELP Committee	<ul style="list-style-type: none"> <li>• PBM transparency requirements</li> <li>• Prohibiting spread pricing in commercial plans</li> <li>• 100 percent rebate pass-through to plans</li> </ul>	<ul style="list-style-type: none"> <li>• No CBO score</li> </ul>
<b><u>S. 1542</u> and <u>H.R. 6283</u>, the Delinking Revenue from Unfair Gouging (DRUG) Act</b>	House version advanced by Ed & Workforce Committee	<ul style="list-style-type: none"> <li>• Delinking PBM reimbursement from drug price and utilization in the commercial market</li> <li>• Prohibits patient steering</li> </ul>	<ul style="list-style-type: none"> <li>• No CBO score</li> </ul>
<b><u>H.R. 9096</u>, the Pharmacists Fight Back Act</b>	Introduced	<ul style="list-style-type: none"> <li>• Requires the use of national average drug acquisition cost (NADAC) as a benchmark for pharmacy reimbursements in federal health programs</li> <li>• Beneficiary cost-sharing must be calculated based on a price that is reduced by an amount that is equal to at least 80 percent of all rebates received</li> <li>• Prohibits patient steering</li> <li>• Prohibits spread pricing in federal health programs</li> </ul>	<ul style="list-style-type: none"> <li>• No CBO score</li> </ul>

PBM bills in the 118<sup>th</sup> Congress by Committee

Committee	Bills	Status	PBM and Drug Pricing Provisions
Senate Health, Education, Labor, and Pensions (HELP) Committee	<a href="#">S. 1339</a> , the Pharmacy Benefit Manager Reform Act	Advanced out of Committee	<ul style="list-style-type: none"> <li>• PBM transparency requirements</li> <li>• Prohibiting spread pricing in commercial plans</li> <li>• 100 percent rebate pass-through to plans</li> </ul>
	<a href="#">S. 1542</a> , the Delinking Revenue from Unfair Gouging (DRUG) Act	Introduced	<ul style="list-style-type: none"> <li>• Delinking PBM reimbursement from drug price and utilization in the commercial market</li> </ul>
	<a href="#">S. 3330</a> , a bill to require the Sec. of Labor to conduct a study on fiduciary duties of PBMs	Introduced	<ul style="list-style-type: none"> <li>• A study on PBM fiduciary duties</li> </ul>
Senate Finance Committee	<a href="#">S. 2973</a> , The Modernizing and Ensuring PBM Accountability Act provisions included in the <a href="#">Better Mental Health Care, Lower-Cost Drugs, and Extenders Act</a>	Advanced out of Committee	<ul style="list-style-type: none"> <li>• PBM transparency requirements, including information related to rebates, formulary placement, affiliated pharmacies.</li> <li>• Prohibiting spread pricing in Medicaid</li> <li>• Delinking PBM reimbursement from drug price and utilization in Medicare</li> <li>• Establishing standardized pharmacy performance measures</li> <li>• Addresses network pharmacies and access to Part D drugs</li> <li>• Adds PBMs to conflict of interests for pharmacy and therapeutics (P&amp;T) committees</li> <li>• Any pharmacy willing</li> <li>• Surveying of Medicaid pharmacy prices</li> <li>• Limiting cost sharing for certain highly rebated drugs</li> <li>• Facilities midyear formulary changes for biosimilars</li> <li>• Requires HHS to hold at least one beneficiary focused listening session on potential improvements in Part d plan management</li> <li>• Reports and studies on price-linked compensation across the supply chain, inappropriate pharmacy rejections, drug shortages, and biosimilar and generic drug access</li> </ul>
	<a href="#">S. 1967</a> , the PBM Act	Introduced	<ul style="list-style-type: none"> <li>• Delinking PBM reimbursement from drug price and utilization</li> </ul>
	<a href="#">S. 2436</a> , the NO PBMs Act	Introduced	<ul style="list-style-type: none"> <li>• Any pharmacy willing requirements</li> </ul>
	<a href="#">S. 2406</a> , the PBM Oversight Act of 2023	Introduced	<ul style="list-style-type: none"> <li>• Transparency requirements for pharmacy and therapeutics (P&amp;T) committees and justification for coverage, formulary placement, and UM decisions</li> </ul>

	<a href="#">S. 2456</a> , Protecting Seniors from High Drug Costs	Introduced	<ul style="list-style-type: none"> <li>Limit cost sharing to no more than net price</li> </ul>
	<a href="#">S. 2474</a> , the Share the Savings with Seniors Act	Introduced	<ul style="list-style-type: none"> <li>Limits cost sharing for chronic care drugs to coinsurance based on net price</li> </ul>
	<a href="#">S. 2254</a> , the Medicare PBM Accountability Act	Introduced	<ul style="list-style-type: none"> <li>PBM transparency requirements</li> </ul>
	<a href="#">S. 2493</a> , PBM Reporting Transparency Act	Introduced	<ul style="list-style-type: none"> <li>PBM transparency requirements</li> </ul>
	<a href="#">S. 1038</a> , the Drug Price Transparency in Medicaid Act	Introduced	<ul style="list-style-type: none"> <li>Prohibits spread pricing in Medicaid and requires pass-through pricing model</li> </ul>
<b>Senate CST Committee</b>	<a href="#">S. 127</a> , the PBM Transparency Act of 2023	Advanced out of Committee	<ul style="list-style-type: none"> <li>PBM transparency requirements</li> <li>Incentives for rebate pass-through to plans</li> </ul>
<b>E&amp;C, W&amp;M, and Ed &amp; Workforce</b>	<a href="#">H.R. 5378</a> , the Lower Costs, More Transparency Act	Passed by the House	<ul style="list-style-type: none"> <li>PBM transparency requirements</li> <li>Prohibiting spread pricing in Medicaid</li> </ul>
	<a href="#">H.R. 3285</a> , the Fairness for Patient Medications Act	Advanced out of Committee	<ul style="list-style-type: none"> <li>Limits cost sharing for highly rebated drugs</li> </ul>
	<a href="#">H.R. 6283</a> , DRUG Act	Advanced out of Committee	<ul style="list-style-type: none"> <li>Delinking PBM reimbursement from drug price and utilization</li> <li>Prohibits spread pricing</li> <li>Prohibits patient steering</li> </ul>
	<a href="#">H.R. 4507</a> , the Transparency in Coverage Act	Advanced out of Committee	<ul style="list-style-type: none"> <li>PBM transparency requirements</li> </ul>
	<a href="#">H.R. 2679</a> , the PBM Accountability Act	Introduced	<ul style="list-style-type: none"> <li>PBM transparency requirements</li> </ul>
	<a href="#">H.R. 4846</a> , Better Deals and Lower Prices Act	Introduced	<ul style="list-style-type: none"> <li>PBM transparency requirements</li> </ul>
<b>E&amp;C Committee</b>	<a href="#">H.R. 3561</a> , the Promoting Access to Treatments and Increasing Extremely Needed Transparency (PATIENT) Act	Advanced out of Committee	<ul style="list-style-type: none"> <li>PBM transparency requirements</li> <li>Prohibiting spread pricing in Medicaid</li> </ul>
	<a href="#">H.R. 2880</a> , the Protecting Patients Against PBM Abuses Act	Advanced out of Committee	<ul style="list-style-type: none"> <li>Delinking PBM reimbursement from drug price and utilization</li> <li>PBM transparency requirements</li> <li>Prohibiting spread pricing</li> </ul>

	<a href="#">H.R. 5385</a> , the Medicare PBM Accountability Act	Advanced out of Committee	<ul style="list-style-type: none"> <li>• PBM transparency requirements</li> </ul>
	<a href="#">H.R. 4881</a> , to limit cost sharing for drugs under the Medicare program;	Advanced out of Committee	<ul style="list-style-type: none"> <li>• Limits cost sharing to no more than the net price</li> </ul>
	<a href="#">H.R. 5400</a> , NO PBMs Act	Introduced	<ul style="list-style-type: none"> <li>• Any pharmacy willing requirements</li> </ul>
	<a href="#">H.R. 6844</a> , Ensuring PBM Competition Act	Introduced	<ul style="list-style-type: none"> <li>• Prohibits HHS from entering into contracts with PDP sponsors that have contracts with PBMs that own their own pharmacies</li> </ul>
	<a href="#">H.R. 1613</a> , the Drug Price Transparency in Medicaid Act	Introduced	<ul style="list-style-type: none"> <li>• Prohibits spread pricing in Medicaid and requires pass-through pricing model</li> </ul>
<b>E&amp;C and W&amp;M</b>	<a href="#">H.R. 5376</a> , the Share the Savings with Seniors Act	Introduced	<ul style="list-style-type: none"> <li>• Limits cost sharing for chronic care drugs to coinsurance based on net price</li> </ul>
	<a href="#">H.R. 2816</a> , the PBM Sunshine and Accountability Act	Introduced	<ul style="list-style-type: none"> <li>• PBM transparency requirements</li> </ul>
	<a href="#">H.R. 7623</a> , the Telehealth Modernization Act	Advanced by E&C Health Subcommittee	<ul style="list-style-type: none"> <li>• PBM transparency requirements</li> <li>• Delinking PBM reimbursement from drug price and utilization in Medicare</li> <li>• Prohibiting spread pricing in Medicaid</li> </ul>
	<a href="#">H.R. 8261</a> , the Preserving Telehealth, Hospital, and Ambulance Access Act	Advanced out of the W&M Committee	<ul style="list-style-type: none"> <li>• PBM transparency requirements</li> <li>• Delinking PBM reimbursement from drug price and utilization in Medicare</li> <li>• Prohibiting spread pricing in Medicaid</li> </ul>
	<a href="#">H.R. 7717</a> , to amend title XI of the SSA to enhance pharmacy benefit manager transparency requirements.	Introduced	<ul style="list-style-type: none"> <li>• PBM transparency requirements</li> </ul>
<b>Ed &amp; Workforce</b>	<a href="#">H.R. 4508</a> , the Hidden Fee Disclosure Act	Introduced	<ul style="list-style-type: none"> <li>• Increases transparency of PBM and third-party administrators (TPAs) compensation to plan fiduciaries</li> </ul>