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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend title III of the Public Health Service Act to ensure that Federally-qualified health centers are not required to pay more than the 340B ceiling price for covered outpatient drugs at the time of purchase.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BERGMAN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend title III of the Public Health Service Act to ensure that Federally-qualified health centers are not required to pay more than the 340B ceiling price for covered outpatient drugs at the time of purchase.

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 “Community Health  
5 Center Drug Pricing Protection Act”.

1 **SEC. 2. ENSURING UPFRONT 340B DISCOUNTED PRICING**  
2 **FOR FEDERALLY-QUALIFIED HEALTH CEN-**  
3 **TERS.**

4 (a) **IN GENERAL.**—Section 340B(a) of the Public  
5 Health Service Act (42 U.S.C. 256b(a)) is amended by  
6 adding at the end the following new paragraph:

7 “(11) **UPFRONT DISCOUNTED PRICING FOR**  
8 **FEDERALLY-QUALIFIED HEALTH CENTERS.**—The  
9 Secretary may not enter into an agreement with a  
10 manufacturer of covered outpatient drugs under  
11 paragraph (1) under which the amount required to  
12 be paid to the manufacturer for covered outpatient  
13 drugs by a covered entity described in paragraph  
14 (4)(A) exceeds, at the point of purchase of such  
15 drug, the applicable ceiling price for such drug (as  
16 described in paragraph (1)).”.

17 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
18 tion, or the amendment made by this section, shall be con-  
19 strued to permit under paragraph (1) of section 340B(a)  
20 of the Public Health Service Act (42 U.S.C. 256b(a)) any  
21 arrangement under which a covered entity described in  
22 paragraph (4)(A) of such section pays to the manufacturer  
23 of a covered outpatient drug an amount in excess of the  
24 applicable ceiling price for such drug (as described in such  
25 paragraph (1)) at the time of purchase, with later rec-  
26 onciliation by rebate, reimbursement, or other payment.

1 (c) EFFECTIVE DATES.—

2 (1) IN GENERAL.—The amendments made by  
3 this section shall take effect on the date of the en-  
4 actment of this section and shall apply to drugs pur-  
5 chased on or after the date of the enactment of this  
6 section.

7 (2) APPLICATION TO EXISTING AGREEMENTS.—  
8 Beginning on the date of the enactment of this sec-  
9 tion, the amendments made by this section shall be  
10 taken into account in determining whether an agree-  
11 ment with a manufacturer of covered outpatient  
12 drugs meets the requirements of section 340B(a) of  
13 the Public Health Service Act (42 U.S.C. 256b(a)).