

117TH CONGRESS  
1ST SESSION

# H. R. 2868

To amend title XIX of the Social Security Act to prohibit additional rebates under the Medicaid program for certain noninnovator multiple source drugs.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2021

Mr. BUTTERFIELD (for himself and Mr. LONG) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to prohibit additional rebates under the Medicaid program for certain noninnovator multiple source drugs.

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 “Protecting Access to  
5       Affordable Medicines Act of 2021”.

6       **SEC. 2. PROHIBITION ON ADDITIONAL REBATE UNDER**  
7                       **MEDICAID FOR CERTAIN NONINNOVATOR**  
8                       **MULTIPLE SOURCE DRUGS.**

9       Section 1927(c)(3)(C) of the Social Security Act (42  
10      U.S.C. 1396r–8(c)(3)(C)) is amended—

1           (1) in clause (i), by striking “The amount” and  
2           inserting “Subject to clause (v), the amount”; and

3           (2) by adding at the end the following new  
4           clause:

5                       “(v) PROHIBITION ON ADDITIONAL  
6                       REBATE FOR CERTAIN NONINNOVATOR  
7                       MULTIPLE SOURCE DRUGS.—With respect  
8                       to a rebate period beginning on or after  
9                       January 1, 2022, and a dosage form and  
10                      strength of a covered outpatient drug de-  
11                      scribed in clause (i), the amount of the re-  
12                      bate specified in subparagraph (A) for  
13                      such dosage form and strength for such re-  
14                      bate period may not be increased if the av-  
15                      erage manufacturer price for a unit of  
16                      such dosage form and strength for such re-  
17                      bate period is less than \$1.”.

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