

117TH CONGRESS  
1ST SESSION

# H. R. 853

To amend title III of the Public Health Service Act to limit the orphan drug exclusion under the drug discount program under section 340B of such title.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2021

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

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## A BILL

To amend title III of the Public Health Service Act to limit the orphan drug exclusion under the drug discount program under section 340B of such title.

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 “Closing Loopholes for  
5 Orphan Drugs Act”.

6 **SEC. 2. LIMITING THE ORPHAN DRUG EXCLUSION UNDER**  
7 **340B DRUG DISCOUNT PROGRAM.**

8 (a) IN GENERAL.—Section 340B(e) of the Public  
9 Health Service Act (42 U.S.C. 256b(e)) is amended by

1 inserting before the period at the end the following: “when  
2 transferred, prescribed, sold, or otherwise used for the  
3 rare condition or disease for which such drug is so des-  
4 ignated”.

5 (b) EFFECTIVE DATE.—The amendment made by  
6 subsection (a) shall apply with respect to covered out-  
7 patient drugs purchased on or after the date of the enact-  
8 ment of this Act.

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