

117TH CONGRESS  
1ST SESSION

# H. R. 4121

To codify a final rule issued by the Secretary of Health and Human Services relating to fraud and abuse and the removal of safe harbor protection for certain drug rebates, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2021

Mr. ARRINGTON introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To codify a final rule issued by the Secretary of Health and Human Services relating to fraud and abuse and the removal of safe harbor protection for certain drug rebates, and for other purposes.

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 “Anti-Kickbacks, Pro-  
5 tecting Rebates for Our Seniors Act” or the “PRO Seniors  
6 Act”.

1 **SEC. 2. CODIFICATION OF HHS FINAL RULE RELATING TO**  
2 **FRAUD AND ABUSE AND REMOVAL OF CER-**  
3 **TAIN DRUG REBATE SAFE HARBOR PROTEC-**  
4 **TIONS.**

5       The final rule entitled “Fraud and Abuse; Removal  
6 of Safe Harbor Protection for Rebates Involving Prescrip-  
7 tion Pharmaceuticals and Creation of New Safe Harbor  
8 Protection for Certain Point-of-Sale Reductions in Price  
9 on Prescription Pharmaceuticals and Certain Pharmacy  
10 Benefit Manager Service Fees”, as published by the De-  
11 partment of Health and Human Services in the Federal  
12 Register on November 30, 2020 (85 Fed. Reg. 76666),  
13 shall have the force and effect of law beginning on Janu-  
14 ary 1, 2022.

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