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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

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

To amend title XVIII of the Social Security Act to exempt certain drugs from the part D manufacturer discount program under the Medicare program.

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IN THE HOUSE OF REPRESENTATIVES

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

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

To amend title XVIII of the Social Security Act to exempt certain drugs from the part D manufacturer discount program under the Medicare program.

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 “Ensuring Access to  
5 Essential Drugs Act”.

1 **SEC. 2. EXEMPTING CERTAIN DRUGS FROM THE PART D**  
2 **MANUFACTURER DISCOUNT PROGRAM**  
3 **UNDER THE MEDICARE PROGRAM.**

4 Section 1860D–14C(g)(2) of the Social Security Act  
5 (42 U.S.C. 1395w–114c(g)(2)) is amended—

6 (1) in subparagraph (A), by striking “and” at  
7 the end;

8 (2) in subparagraph (B), by striking the period  
9 and inserting “; and”; and

10 (3) by adding at the end the following new sub-  
11 paragraph:

12 “(C) does not include an orally adminis-  
13 tered drug—

14 “(i) for which a new drug application  
15 was approved under section 505 of the  
16 Federal Food, Drug, and Cosmetic Act;  
17 and

18 “(ii) that has been granted a narrow  
19 exception permitting reclassification as a  
20 noninnovator multiple source drug under  
21 the Medicaid drug rebate program by the  
22 Centers for Medicare & Medicaid Serv-  
23 ices.”.