

AMENDMENT TO
RULES COMMITTEE PRINT 116–41
OFFERED BY MS. FINKENAUER OF IOWA

Add at the end of the bill the following new section
(and conform the table of contents accordingly):

1 **SEC. 812. REGULATIONS REQUIRING DIRECT-TO-CON-**
2 **SUMER ADVERTISEMENTS FOR PRESCRIP-**
3 **TION DRUGS AND BIOLOGICAL PRODUCTS TO**
4 **INCLUDE TRUTHFUL AND NOT MISLEADING**
5 **PRICING INFORMATION.**

6 (a) IN GENERAL.—Not later than the date that is
7 one year after the date of the enactment of the Elijah E.
8 Cummings Lower Drug Costs Now Act, the Secretary of
9 Health and Human Services, acting through the Adminis-
10 trator of the Centers for Medicare & Medicaid Services
11 (referred to in this section as the “Administrator”), shall
12 promulgate final regulations requiring each direct-to-con-
13 sumer advertisement on television (including broadcast,
14 cable, streaming, and satellite television) for a prescription
15 drug or biological product for which payment is available
16 under title XVIII or XIX of the Social Security Act to
17 include a textual statement, which shall be truthful and
18 not misleading, indicating the list price, as determined on

1 the first day of the quarter during which the advertise-
2 ment is being aired or otherwise broadcast, for a typical
3 30-day regimen or typical course of treatment (whichever
4 is most appropriate).

5 (b) DETERMINATIONS.—In promulgating final regu-
6 lations under subsection (a), the Administrator shall de-
7 termine—

8 (1) whether such regulations should apply with
9 respect to additional forms of advertising;

10 (2) the manner and format of textual state-
11 ments described in such subsection;

12 (3) appropriate enforcement mechanisms; and

13 (4) whether such textual statements should in-
14 clude any other price information, as appropriate.

