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):

SEC. 812. REGULATIONS REQUIRING DIRECT-TO-CONSUMER ADVERTISEMENTS FOR PRESCRIPTION DRUGS AND BIOLOGICAL PRODUCTS TO INCLUDE TRUTHFUL AND NOT MISLEADING PRICING INFORMATION.

(a) In General.—Not later than the date that is one year after the date of the enactment of the Elijah E. Cummings Lower Drug Costs Now Act, the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services (referred to in this section as the “Administrator”), shall promulgate final regulations requiring each direct-to-consumer advertisement on television (including broadcast, cable, streaming, and satellite television) for a prescription drug or biological product for which payment is available under title XVIII or XIX of the Social Security Act to include a textual statement, which shall be truthful and not misleading, indicating the list price, as determined on
the first day of the quarter during which the advertise-
ment is being aired or otherwise broadcast, for a typical
30-day regimen or typical course of treatment (whichever
is most appropriate).

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

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

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

(3) appropriate enforcement mechanisms; and

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