

**AMENDMENT TO
RULES COMMITTEE PRINT 119-33
OFFERED BY MS. GOODLANDER OF NEW
HAMPSHIRE**

Add at the end of subtitle B of title VII the following new section:

1 **SEC. 7___. PROHIBITION ON AWARDING PHARMACY CON-**
2 **TRACTS UNDER TRICARE PROGRAM TO CER-**
3 **TAIN ENTITIES.**

4 (a) IN GENERAL.—The Director of the Defense
5 Health Agency may not award a pharmacy contract under
6 the TRICARE program to any entity that—

7 (1) directly or indirectly owns, operates, con-
8 trols, or directs the operation of the whole or any
9 part of a pharmacy; and

10 (2) directly or indirectly owns, operates, or con-
11 trols the whole or any part of—

12 (A) a pharmacy benefit manager; or

13 (B) an insurance company.

14 (b) DEFINITIONS.—In this section:

15 (1) PHARMACY.—

16 (A) IN GENERAL.—The term “pharmacy”
17 means any person, business, or entity licensed,

1 registered, or otherwise permitted by a State or
2 a territory of the United States to dispense, de-
3 liver, or distribute a controlled substance, pre-
4 scription drug, or other medication—

5 (i) to the general public; or

6 (ii) to a bed patient for immediate ad-
7 ministration.

8 (B) INCLUSIONS.—The term “pharmacy”
9 includes—

10 (i) a mail-order pharmacy;

11 (ii) a specialty pharmacy;

12 (iii) a retail pharmacy;

13 (iv) a nursing home pharmacy;

14 (v) a long-term care pharmacy;

15 (vi) a hospital pharmacy;

16 (vii) an infusion or other outpatient
17 treatment pharmacy;

18 (viii) any organization the National
19 Provider Identifier (NPI) registration of
20 which has 1 or more taxonomy codes under
21 the pharmacy section of the National Uni-
22 form Claim Committee (or a subsequent
23 organization); and

24 (ix) any other type of pharmacy.

1 (2) PHARMACY BENEFIT MANAGER.—The term
2 “pharmacy benefit manager” means any person,
3 business, or other entity, such as a third-party ad-
4 ministrator, regardless of whether such person, busi-
5 ness, or entity identifies itself as a pharmacy benefit
6 manager, that, either directly or indirectly through
7 an intermediary (including an affiliate, subsidiary,
8 or agent) or an arrangement with a third party—

9 (A) acts as a negotiator of prices, rebates,
10 fees, or discounts for prescription drugs on be-
11 half of a health plan or health plan sponsor;

12 (B) contracts with pharmacies to create
13 pharmacy networks and designs and manages
14 such networks; or

15 (C) manages or administers the prescrip-
16 tion drug benefits provided by a health plan, in-
17 cluding the processing and payment of claims
18 for prescription drugs, arranging alternative ac-
19 cess to or funding for prescription drugs, the
20 performance of utilization management services,
21 including drug utilization review, the processing
22 of drug prior authorization requests, the adju-
23 dication of appeals or grievances related to the
24 prescription drug benefit, contracting with net-
25 work pharmacies, controlling the cost of covered

1 prescription drugs, or the provision of related
2 services.

3 (3) **TRICARE** **PROGRAM.**—The term
4 “**TRICARE** program” has the meaning given that
5 term in section 1072(7) of title 10, United States
6 Code.

