

AMENDMENT TO
RULES COMMITTEE PRINT 116-41
OFFERED BY MR. ROONEY OF FLORIDA

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

1 **SEC. 812. REQUIREMENT THAT DIRECT-TO-CONSUMER TEL-**
2 **VISION ADVERTISEMENTS FOR PRESCRIP-**
3 **TION DRUGS AND BIOLOGICAL PRODUCTS IN-**
4 **CLUDE LIST PRICE OF SUCH DRUGS AND**
5 **PRODUCTS.**

6 Part A of title XI of the Social Security Act (42
7 U.S.C. 1301 et seq.), as amended by section 401, is fur-
8 ther amended by adding at the end the following new sec-
9 tion:

10 **“SEC. 1150E. REQUIREMENT THAT DIRECT-TO-CONSUMER**
11 **TELEVISION ADVERTISEMENTS FOR PRE-**
12 **SCRIPTION DRUGS AND BIOLOGICAL PROD-**
13 **UCTS INCLUDE LIST PRICE OF SUCH DRUGS**
14 **AND PRODUCTS.**

15 “(a) IN GENERAL.—Subject to subsection (b), the
16 Secretary, acting through the Administrator of the Cen-
17 ters for Medicare & Medicaid Services (referred to in this
18 section as the ‘Secretary’), shall require that each direct-

1 to-consumer advertisement on television (including broad-
2 cast, cable, streaming, or satellite media) for a prescrip-
3 tion drug or biological product for which payment is made
4 available under title XVIII or XIX includes a written
5 statement indicating the current list price for a 30-day
6 supply of (or, if determined more appropriate by the Sec-
7 retary, a typical course of treatment with) such drug or
8 product as follows: ‘The list price for a [30-day supply
9 of, or a typical course of treatment with] [name of pre-
10 scription drug or biological product] is [current list price].
11 If you have health insurance that covers drugs, your cost
12 may be different.’. Such statement shall be presented at
13 the end of such an advertisement against a contrasting
14 background for sufficient duration and in a size and style
15 of font that allows such statement to be read easily.

16 “(b) EXCEPTION.—The requirement described in
17 subsection (a) shall not apply with respect to a prescrip-
18 tion drug or biological product that has a current list price
19 less than \$35 per month for a 30-day supply of, or a typ-
20 ical course of treatment with, such drug or product.

21 “(c) IDENTIFICATION OF NONCOMPLIANT DRUGS
22 AND PRODUCTS.—In the case that a direct-to-consumer
23 advertisement described in subsection (a) does not include
24 a written statement as required under such subsection and
25 is not excepted with respect to such statement under sub-

1 section (b), the Secretary shall identify the prescription
2 drug or biological product that is the subject of such ad-
3 vertisement as a drug or product advertised in violation
4 of the requirement of subsection (a). The Secretary shall
5 maintain a public list of all prescription drugs and biologi-
6 cal products identified pursuant to the previous sentence.

7 “(d) DEFINITIONS.—In this section:

8 “(1) CURRENT LIST PRICE.—The term ‘current
9 list price’, with respect to a prescription drug or bio-
10 logical product described in subsection (a) and a di-
11 rect-to-consumer advertisement described in such
12 subsection for such drug or product, means the
13 wholesale acquisition cost (as defined in section
14 1847A(c)(6)) of such drug or product as of the first
15 day of the quarter during which such advertisement
16 is aired or otherwise broadcast.

17 “(2) TYPICAL COURSE OF TREATMENT.—The
18 term ‘typical course of treatment’, with respect to a
19 prescription drug or biological product described in
20 subsection (a) and a direct-to-consumer advertise-
21 ment described in such subsection for such drug or
22 product, means the typical course of treatment asso-
23 ciated with the primary indication addressed in such

- 1 advertisement for which such drug or product is pre-
- 2 scribed.”.

