



AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for discounted insulin for low- and middle-income Americans.

IN THE _____ Sess.

AMENDMENT N^o 5385

By Kennedy

To pro To: Amdt. No. 5194 on.

Referre 5 and
Page(s)

GPO: 2010 63-070 (mac)

AMENDMENT intended to be proposed by Mr. Kennedy to the amendment (No. 5194) proposed by Mr. SCHUMER

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . PROVIDING DISCOUNTED INSULIN TO LOW-**
- 3 **AND MIDDLE-INCOME AMERICANS.**
- 4 (a) IN GENERAL.—There is appropriated to the Sec-
- 5 retary of Health and Human Services (referred to in this
- 6 section as the “Secretary”), out of any monies in the
- 7 Treasury not otherwise appropriated, \$3,100,000,000 for
- 8 fiscal year 2023, to remain available through September
- 9 30, 2026, for making payments to Federally-qualified
- 10 health centers for purposes of covering direct costs in-
- 11 curred by such centers for making discounted insulin and

1 epinephrine available to qualifying center patients, as de-
2 scribed in subsection (b).

3 (b) INSULIN AND EPINEPHRINE AFFORDABILITY.—

4 (1) IN GENERAL.—If a Federally-qualified
5 health center participates in the drug discount pro-
6 gram under section 340B of the Public Health Serv-
7 ice Act (42 U.S.C. 256b) and makes insulin or
8 injectable epinephrine available to its patients, such
9 center shall provide insulin and injectable epineph-
10 rine at or below the discounted price paid by the
11 center or subgrantee of the center under the drug
12 discount program under such section 340B (plus a
13 minimal administration fee) to qualifying center pa-
14 tients through fiscal year 2026.

15 (2) LIMITATION.—As applicable, the cost of in-
16 sulin and injectable epinephrine made available to
17 patients pursuant to this subsection shall not exceed
18 the cost of such insulin and injectable epinephrine
19 pursuant to the schedule of fees or payment under
20 section 330(k)(3)(G) of the Public Health Service
21 Act (42 U.S.C. 254b(k)(3)(G)).

22 (c) PAYMENTS.—The Secretary shall make prospec-
23 tive quarterly payments to Federally-qualified health cen-
24 ters in an amount that equals the sum of the following:

25 (1) The product of—

1 (A) the number of units of insulin fur-
2 nished to qualifying center patients in the pre-
3 vious quarter; and

4 (B) the direct costs of procuring and mak-
5 ing available each such unit of insulin at the
6 discounted rate provided for under this section.

7 (2) The product of—

8 (A) the number of units of injectable epi-
9 nephrine furnished to qualifying center patients
10 in the previous quarter; and

11 (B) the direct costs of procuring and mak-
12 ing available each such unit of injectable epi-
13 nephrine at the discounted rate provided for
14 under this section.

15 (d) USE OF PAYMENTS.—Payments made to Feder-
16 ally-qualified health centers under this section shall be
17 used for the sole purpose of covering direct costs incurred
18 by such centers in making insulin and injectable epineph-
19 rine available to qualifying center patients under sub-
20 section (b).

21 (e) DEFINITIONS.—In this section:

22 (1) FEDERALLY-QUALIFIED HEALTH CEN-
23 TER.—The term “Federally-qualified health center”
24 has the meaning given such term in section

1 1905(l)(2)(B) of the Social Security Act (42 U.S.C.
2 1396d(l)(2)(B)).

3 (2) QUALIFYING CENTER PATIENT.—The term
4 “qualifying center patient” means a patient of a
5 Federally-qualified health center whose household in-
6 come is equal to or less than 350 percent of the
7 Federal poverty line and who—

8 (A) has a cost-sharing requirement under
9 a health insurance plan for insulin or injectable
10 epinephrine under which the patient out-of-
11 pocket share is more than 20 percent of the
12 total amount charged by the center for insulin
13 or epinephrine;

14 (B) has a high unmet deductible under a
15 health insurance plan; or

16 (C) has no health insurance.

17 (f) PREVENTION AND PUBLIC HEALTH FUND OFF-
18 SET.—Section 4002(b) of the Patient Protection and Af-
19 fordable Care Act (42 U.S.C. 300u–11) is amended—

20 (1) in paragraph (6), by striking “each of fiscal
21 years 2022 and 2023” and inserting “fiscal year
22 2022”;

23 (2) by striking paragraphs (7) and (8);

24 (3) by redesignating paragraph (9) as para-
25 graph (8); and

1 (4) by inserting after paragraph (6) the fol-
2 lowing:
3 “(7) for fiscal year 2027, \$1,800,000,000;
4 and”.