

116TH CONGRESS
2D SESSION

H. R. 7838

To provide for certain temporary waivers with respect to the 340B drug discount program due to the COVID–19 public health emergency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2020

Ms. MATSUI (for herself and Mr. STEWART) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To provide for certain temporary waivers with respect to the 340B drug discount program due to the COVID–19 public health emergency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TEMPORARY WAIVERS WITH RESPECT TO THE**
4 **340B DRUG DISCOUNT PROGRAM DUE TO THE**
5 **COVID–19 PUBLIC HEALTH EMERGENCY.**

6 (a) TEMPORARY WAIVER OF MINIMUM DISPROPOR-
7 TIONATE SHARE ADJUSTMENT PERCENTAGE REQUIRE-
8 MENT FOR CERTAIN COVERED ENTITIES.—In the case of
9 an entity that met the requirements of a covered entity

1 described in subparagraph (L), (M), or (O) of section
2 340B(a)(4) of the Public Health Service Act (42 U.S.C.
3 256b(a)(4)), and that was participating or had applied to
4 participate in the drug discount program under such sec-
5 tion 340B, as of the day before the emergency period went
6 into effect, the Secretary of Health and Human Services
7 shall, for each calendar quarter with respect to which eligi-
8 bility for such drug discount program is based on a cost
9 reporting period during any portion of which such emer-
10 gency period is in effect, deem such entity as continuing
11 to meet the minimum disproportionate share adjustment
12 percentage requirement applicable to such entity under
13 such subparagraph (L), (M), or (O), as the case may be.

14 (b) TEMPORARY WAIVER OF PROHIBITION ON OB-
15 TAINING COVERED OUTPATIENT DRUGS THROUGH
16 GROUP PURCHASING ORGANIZATIONS FOR CERTAIN COV-
17 ERED ENTITIES.—During the emergency period, a cov-
18 ered entity described in subparagraph (L) or (M) of sec-
19 tion 340B(a)(4) of the Public Health Service Act (42
20 U.S.C. 256b(a)(4)) may, notwithstanding clause (iii) of
21 such subparagraph (L), obtain covered outpatient drugs
22 through a group purchasing organization or other group
23 purchasing arrangement.

24 (c) EMERGENCY PERIOD DEFINED.—For purposes of
25 this section, the term “emergency period” means the pe-

1 rioid during which there exists the public health emergency
2 declared by the Secretary of Health and Human Services
3 pursuant to section 319 of the Public Health Service Act
4 on January 31, 2020, with respect to COVID–19.

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