

119TH CONGRESS
2D SESSION

H. R. 7391

To amend title III of the Public Health Service Act to ensure that Federally-qualified health centers are not required to pay more than the 340B ceiling price for covered outpatient drugs at the time of purchase.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2026

Mr. BERGMAN (for himself, Mr. AUCHINCLOSS, Mr. MOULTON, Mr. LYNCH, Mr. SMUCKER, Ms. LOIS FRANKEL of Florida, Ms. NORTON, Mr. MANN, Mr. MRVAN, Ms. BALINT, Ms. DAVIDS of Kansas, Ms. MALOY, Mr. BRESNAHAN, Mr. CLEAVER, Ms. ANSARI, Mr. HUIZENGA, Ms. MCBRIDE, Ms. TITUS, Ms. TLAIB, Mr. NEGUSE, Mr. CRANK, Ms. LEE of Nevada, Mr. LUCAS, Mr. LARSEN of Washington, and Mr. COHEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title III of the Public Health Service Act to ensure that Federally-qualified health centers are not required to pay more than the 340B ceiling price for covered outpatient drugs at the time of purchase.

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. SHORT TITLE.**

4 This Act may be cited as the “Community Health
5 Center Drug Pricing Protection Act”.

1 **SEC. 2. ENSURING UPFRONT 340B DISCOUNTED PRICING**
2 **FOR FEDERALLY-QUALIFIED HEALTH CEN-**
3 **TERS.**

4 (a) IN GENERAL.—Section 340B(a) of the Public
5 Health Service Act (42 U.S.C. 256b(a)) is amended by
6 adding at the end the following new paragraph:

7 “(11) UPFRONT DISCOUNTED PRICING FOR
8 FEDERALLY-QUALIFIED HEALTH CENTERS.—The
9 Secretary may not enter into an agreement with a
10 manufacturer of covered outpatient drugs under
11 paragraph (1) under which the amount required to
12 be paid to the manufacturer for covered outpatient
13 drugs by a covered entity described in paragraph
14 (4)(A) exceeds, at the point of purchase of such
15 drug, the applicable ceiling price for such drug (as
16 described in paragraph (1)).”.

17 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion, or the amendment made by this section, shall be con-
19 strued to permit under paragraph (1) of section 340B(a)
20 of the Public Health Service Act (42 U.S.C. 256b(a)) any
21 arrangement under which a covered entity described in
22 paragraph (4)(A) of such section pays to the manufacturer
23 of a covered outpatient drug an amount in excess of the
24 applicable ceiling price for such drug (as described in such
25 paragraph (1)) at the time of purchase, with later rec-
26 onciliation by rebate, reimbursement, or other payment.

1 (c) EFFECTIVE DATES.—

2 (1) IN GENERAL.—The amendments made by
3 this section shall take effect on the date of the en-
4 actment of this section and shall apply to drugs pur-
5 chased on or after the date of the enactment of this
6 section.

7 (2) APPLICATION TO EXISTING AGREEMENTS.—
8 Beginning on the date of the enactment of this sec-
9 tion, the amendments made by this section shall be
10 taken into account in determining whether an agree-
11 ment with a manufacturer of covered outpatient
12 drugs meets the requirements of section 340B(a) of
13 the Public Health Service Act (42 U.S.C. 256b(a)).

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