

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 8143

To amend title XVIII of the Social Security Act to require PDP sponsors of a prescription drug plan under part D of the Medicare program that use a formulary to include certain generic drugs and biosimilar biological products on such formulary, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2026

Ms. MATSUI (for herself, Mrs. MILLER-MEEKS, and Mr. AUCHINCLOSS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to require PDP sponsors of a prescription drug plan under part D of the Medicare program that use a formulary to include certain generic drugs and biosimilar biological products on such formulary, 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. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Access to  
5 Lower-Cost Medicines for Seniors Act of 2026.”

1 **SEC. 2. REQUIREMENTS FOR PDP SPONSORS OF PRESCRIP-**  
2 **TION DRUG PLANS UNDER PART D OF THE**  
3 **MEDICARE PROGRAM THAT USE**  
4 **FORMULARIES.**

5 Section 1860D–4(b)(3) of the Social Security Act (42  
6 U.S.C. 1395w–104(b)(3)) is amended by adding at the  
7 end the following new subparagraph:

8 “(J) REQUIRED INCLUSION OF CERTAIN  
9 GENERIC DRUGS AND BIOSIMILAR BIOLOGICAL  
10 PRODUCTS.—

11 “(i) IN GENERAL.—With respect to a  
12 plan year beginning on or after January 1,  
13 2027, the formulary shall include in a pre-  
14 ferred position relative to the reference  
15 drug—

16 “(I) each covered generic drug  
17 for which the wholesale acquisition  
18 cost is less than the wholesale acquisi-  
19 tion cost of the reference drug of such  
20 covered generic drug; and

21 “(II) at least two covered bio-  
22 similar biological products for which  
23 the wholesale acquisition cost is less  
24 than the wholesale acquisition cost of  
25 the reference biological product of

1           such covered biosimilar biological  
2           product.

3           “(ii) PROHIBITION ON CERTAIN LIM-  
4           ITS ON ACCESS.—The PDP sponsor offer-  
5           ing the prescription drug plan may not im-  
6           pose limits on access to a covered generic  
7           drug required to be included on the for-  
8           mulary under clause (i)(I) or a covered  
9           biosimilar biological product required to be  
10          included on the formulary under clause  
11          (i)(II), including through utilization man-  
12          agement techniques such as prior author-  
13          ization, or step therapy, that are more re-  
14          strictive than any such limits imposed on  
15          access to the reference drug of such cov-  
16          ered generic drug or reference biological  
17          product of such covered biosimilar biologi-  
18          cal product, respectively, or that otherwise  
19          have the effect of limiting the availability  
20          to enrollees of such covered generic drug or  
21          covered biosimilar biological product rel-  
22          ative to such reference drug or reference  
23          biological product over such covered ge-  
24          neric drug or covered biosimilar biological  
25          product, respectively.

1 “(iii) DEFINITIONS.—In this subpara-  
2 graph and subparagraph (J):

3 “(I) COVERED BIOSIMILAR BIO-  
4 LOGICAL PRODUCT.—The term ‘cov-  
5 ered biosimilar biological product’  
6 means a covered part D drug that is  
7 a biosimilar biological product (as de-  
8 fined in section 1847A(e)(6)(H)).

9 “(II) COVERED GENERIC  
10 DRUG.—The term ‘covered generic  
11 drug’ means a covered part D drug  
12 that is a drug described in section  
13 1860D–2(e)(1)(A) and approved  
14 under section 505(j) of the Federal  
15 Food, Drug, and Cosmetic Act.

16 “(III) PREFERRED POSITION.—  
17 The term ‘preferred position’ means a  
18 product is placed on a more favorable  
19 formulary tier and has lower patient  
20 out-of-pocket costs than the cor-  
21 responding reference drug or ref-  
22 erence biological product.

23 “(IV) REFERENCE BIOLOGICAL  
24 PRODUCT.—The term ‘reference bio-

1 logical product' has the meaning given  
2 such term in section 1847A(c)(6)(I).

3 “(V) REFERENCE DRUG.—The  
4 term ‘reference drug’ means, with re-  
5 spect to a covered generic drug, the  
6 listed drug (as described in clause (i)  
7 of section 505(j)(2)(A) of the Federal  
8 Food, Drug, and Cosmetic Act) that  
9 is referred to in the abbreviated appli-  
10 cation for such covered generic drug  
11 under such section.

12 “(VI) WHOLESALE ACQUISITION  
13 COST.—The term ‘wholesale acqui-  
14 sition cost’ has the meaning given such  
15 term in section 1847A(c)(6)(B).”.

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