

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title XVIII of the Social Security Act to assure pharmacy access  
and choice for Medicare beneficiaries.

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IN THE SENATE OF THE UNITED STATES

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Mr. THUNE (for himself, Mr. BROWN, Mr. BARRASSO, and Ms. STABENOW)  
introduced the following bill; which was read twice and referred to the  
Committee on \_\_\_\_\_

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**A BILL**

To amend title XVIII of the Social Security Act to assure  
pharmacy access and choice for Medicare beneficiaries.

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 “Strengthening Phar-  
5 macy Access for Seniors Act”.

6 **SEC. 2. ASSURING PHARMACY ACCESS AND CHOICE FOR**  
7 **MEDICARE BENEFICIARIES.**

8 Section 1860D–4(b)(1) of the Social Security Act (42  
9 U.S.C. 1395w–104(b)(1)) is amended by adding at the  
10 end the following new subparagraph:

1 “(F) LIMITED ACCESS DRUGS.—

2 “(i) LIMITATION ON RESTRICTIONS OR  
3 LIMITS ON ACCESS.—For each plan year  
4 (beginning with plan year 2026), a PDP  
5 sponsor offering a prescription drug plan  
6 or pharmacy benefit manager—

7 “(I) may not restrict or limit ac-  
8 cess to any covered part D drug to a  
9 subset of their network pharmacies,  
10 other than with respect to a limited  
11 access drug, as defined in clause (v);  
12 and

13 “(II) shall record in writing the  
14 rationale for why a covered part D  
15 drug meets the definition of a limited  
16 access drug under clause (v) and  
17 maintain written records of any such  
18 rationales, if such plan restricts or  
19 limits access to a limited access drug  
20 to a subset of network pharmacies.

21 “(ii) ANNUAL SUBMISSION OF INFOR-  
22 MATION TO THE SECRETARY ON LIMITED  
23 ACCESS DRUGS.—For each plan year (be-  
24 ginning with plan year 2026), each PDP  
25 sponsor offering a prescription drug plan

1 shall submit to the Secretary, at a time  
2 and in a manner specified by the Sec-  
3 retary, with respect to each prescription  
4 drug plan offered by the sponsor during  
5 such plan year—

6 “(I) a list of all covered part D  
7 drugs that the PDP sponsor des-  
8 ignated as a limited access drug;

9 “(II) the written rationales for  
10 why any covered part D drugs listed  
11 under subclause (I) meet the defini-  
12 tion of a limited access drug;

13 “(III) the requirements imposed  
14 on network pharmacies to ensure ap-  
15 propriate handling and dispensing of  
16 the covered part D drugs listed under  
17 subclause (I);

18 “(IV) the percentages of covered  
19 part D drugs listed under subclause  
20 (I) that are dispensed through retail  
21 pharmacies, specialty pharmacies,  
22 mail order pharmacies, or other dis-  
23 pensing channels as defined by the  
24 PDP sponsor, respectively, during the

1 most recent plan year for which such  
2 data are available;

3 “(V) the annual percentage of  
4 covered part D drugs listed under  
5 subclause (I) that are dispensed  
6 through pharmacies wholly or par-  
7 tially owned by, or otherwise affiliated  
8 with (such as through common owner-  
9 ship), the plan or pharmacy benefit  
10 manager; and

11 “(VI) any other information de-  
12 termined appropriate by the Sec-  
13 retary.

14 “(iii) PHARMACY ACCESS TO LIMITED  
15 ACCESS DRUG INFORMATION.—For plan  
16 years beginning with plan year 2026, upon  
17 the request of a network pharmacy, a PDP  
18 sponsor of a prescription drug plan (or a  
19 pharmacy benefit manager acting on behalf  
20 of such sponsor) shall present such phar-  
21 macy, on a timely basis (as determined by  
22 the Secretary), with information specific to  
23 any covered part D drug listed under sub-  
24 clause (II) of clause (i) of this subpara-  
25 graph, along with the rationale for its des-



1           ited access drugs described in clause  
2           (v), and the implications of such des-  
3           ignations on beneficiary access to such  
4           covered part D drugs;

5                   “(II) a description of the infor-  
6                   mation submitted to the Secretary  
7                   under clause (ii) (in a manner that  
8                   does not disclose the identity of a  
9                   pharmacy, a PDP sponsor, a prescrip-  
10                  tion drug plan, or pharmacy benefit  
11                  manager, or any proprietary pricing  
12                  information); and

13                   “(III) any other information de-  
14                   termined appropriate by the Sec-  
15                   retary.

16                   “(v) LIMITED ACCESS DRUG DE-  
17                  FINED.—In this subparagraph, the term  
18                  ‘limited access drug’ means a covered part  
19                  D drug that meets at least one of the fol-  
20                  lowing:

21                   “(I) The Food and Drug Admin-  
22                   istration has restricted distribution of  
23                   such covered part D drug to certain  
24                   facilities or physicians.

1                   “(II) The dispensing of such cov-  
2                   ered part D drug requires extraor-  
3                   dinary special handling, provider co-  
4                   ordination, or patient education that  
5                   cannot be met by a network phar-  
6                   macy.”.