

## HR 4390

PROTECT 340B Act of 2021

**Congress:** 117 (2021–2023, Ended)

**Chamber:** House

**Policy Area:** Health

**Introduced:** Jul 9, 2021

**Current Status:** Referred to the Subcommittee on Health.

**Latest Action:** Referred to the Subcommittee on Health. (Jul 12, 2021)

**Official Text:** <https://www.congress.gov/bill/117th-congress/house-bill/4390>

### Sponsor

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**Name:** Rep. McKinley, David B. [R-WV-1]

**Party:** Republican • **State:** WV • **Chamber:** House

**Cosponsors** (115 total)

<b>Cosponsor</b>	<b>Party / State</b>	<b>Role</b>	<b>Date Joined</b>
Rep. Spanberger, Abigail Davis [D-VA-7]	D · VA		Jul 9, 2021
Rep. Matsui, Doris O. [D-CA-6]	D · CA		Jul 13, 2021
Rep. Evans, Dwight [D-PA-3]	D · PA		Jul 20, 2021
Rep. Hill, J. French [R-AR-2]	R · AR		Jul 20, 2021
Rep. Wild, Susan [D-PA-7]	D · PA		Jul 20, 2021
Rep. Wittman, Robert J. [R-VA-1]	R · VA		Jul 20, 2021
Rep. Palazzo, Steven M. [R-MS-4]	R · MS		Jul 22, 2021
Rep. Welch, Peter [D-VT-At Large]	D · VT		Jul 22, 2021
Rep. Cawthorn, Madison [R-NC-11]	R · NC		Jul 27, 2021
Rep. Cicilline, David N. [D-RI-1]	D · RI		Jul 27, 2021
Rep. Cline, Ben [R-VA-6]	R · VA		Jul 27, 2021
Rep. Grothman, Glenn [R-WI-6]	R · WI		Jul 27, 2021
Rep. Manning, Kathy E. [D-NC-6]	D · NC		Jul 27, 2021
Rep. Roybal-Allard, Lucille [D-CA-40]	D · CA		Aug 3, 2021
Rep. Westerman, Bruce [R-AR-4]	R · AR		Aug 3, 2021
Rep. Blunt Rochester, Lisa [D-DE-At Large]	D · DE		Aug 10, 2021
Rep. Lieu, Ted [D-CA-33]	D · CA		Aug 10, 2021
Rep. Crawford, Eric A. "Rick" [R-AR-1]	R · AR		Aug 13, 2021
Rep. Frankel, Lois [D-FL-21]	D · FL		Aug 13, 2021
Rep. Langevin, James R. [D-RI-2]	D · RI		Aug 13, 2021
Rep. Maloney, Sean Patrick [D-NY-18]	D · NY		Aug 13, 2021
Rep. Mann, Tracey [R-KS-1]	R · KS		Aug 13, 2021
Rep. Neguse, Joe [D-CO-2]	D · CO		Aug 13, 2021
Rep. Smith, Adam [D-WA-9]	D · WA		Aug 13, 2021
Rep. Larson, John B. [D-CT-1]	D · CT		Aug 17, 2021
Rep. Gohmert, Louie [R-TX-1]	R · TX		Aug 23, 2021
Rep. Huffman, Jared [D-CA-2]	D · CA		Aug 23, 2021
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Aug 23, 2021
Rep. Allred, Colin Z. [D-TX-32]	D · TX		Aug 31, 2021
Rep. Beatty, Joyce [D-OH-3]	D · OH		Aug 31, 2021
Rep. Hartzler, Vicky [R-MO-4]	R · MO		Aug 31, 2021
Rep. LaTurner, Jake [R-KS-2]	R · KS		Aug 31, 2021
Rep. Pingree, Chellie [D-ME-1]	D · ME		Aug 31, 2021
Rep. Butterfield, G. K. [D-NC-1]	D · NC		Sep 10, 2021
Rep. DeLauro, Rosa L. [D-CT-3]	D · CT		Sep 10, 2021
Rep. Raskin, Jamie [D-MD-8]	D · MD		Sep 10, 2021
Rep. Rutherford, John H. [R-FL-4]	R · FL		Sep 10, 2021
Rep. Soto, Darren [D-FL-9]	D · FL		Sep 10, 2021
Rep. Stefanik, Elise M. [R-NY-21]	R · NY		Sep 10, 2021
Rep. Womack, Steve [R-AR-3]	R · AR		Sep 10, 2021
Rep. Connolly, Gerald E. [D-VA-11]	D · VA		Sep 14, 2021

Cosponsor	Party / State	Role	Date Joined
Rep. Malliotakis, Nicole [R-NY-11]	R · NY		Sep 22, 2021
Rep. Morelle, Joseph D. [D-NY-25]	D · NY		Sep 28, 2021
Rep. Thompson, Glenn [R-PA-15]	R · PA		Sep 28, 2021
Rep. Bergman, Jack [R-MI-1]	R · MI		Oct 5, 2021
Rep. Castor, Kathy [D-FL-14]	D · FL		Oct 5, 2021
Rep. Lynch, Stephen F. [D-MA-8]	D · MA		Oct 5, 2021
Rep. Ruppertsberger, C. A. Dutch [D-MD-2]	D · MD		Oct 8, 2021
Rep. Carbajal, Salud O. [D-CA-24]	D · CA		Oct 19, 2021
Rep. DeSaulnier, Mark [D-CA-11]	D · CA		Oct 19, 2021
Rep. Schiff, Adam B. [D-CA-28]	D · CA		Oct 22, 2021
Rep. Mrvan, Frank J. [D-IN-1]	D · IN		Nov 2, 2021
Rep. Crow, Jason [D-CO-6]	D · CO		Nov 5, 2021
Rep. Garcia, Jesus G. "Chuy" [D-IL-4]	D · IL		Nov 9, 2021
Rep. Kuster, Ann M. [D-NH-2]	D · NH		Nov 18, 2021
Rep. Rogers, Harold [R-KY-5]	R · KY		Nov 18, 2021
Rep. Adams, Alma S. [D-NC-12]	D · NC		Nov 23, 2021
Rep. Cartwright, Matt [D-PA-8]	D · PA		Nov 30, 2021
Rep. Grijalva, Raúl M. [D-AZ-3]	D · AZ		Nov 30, 2021
Rep. Rush, Bobby L. [D-IL-1]	D · IL		Dec 2, 2021
Rep. Foster, Bill [D-IL-11]	D · IL		Dec 9, 2021
Rep. Golden, Jared F. [D-ME-2]	D · ME		Dec 13, 2021
Rep. Kim, Andy [D-NJ-3]	D · NJ		Dec 13, 2021
Rep. Lawson, Al, Jr. [D-FL-5]	D · FL		Dec 16, 2021
Rep. Kirkpatrick, Ann [D-AZ-2]	D · AZ		Jan 14, 2022
Rep. Keller, Fred [R-PA-12]	R · PA		Jan 20, 2022
Rep. Stanton, Greg [D-AZ-9]	D · AZ		Jan 20, 2022
Rep. Pappas, Chris [D-NH-1]	D · NH		Feb 1, 2022
Rep. Pocan, Mark [D-WI-2]	D · WI		Feb 1, 2022
Rep. O'Halleran, Tom [D-AZ-1]	D · AZ		Feb 4, 2022
Rep. Rose, John W. [R-TN-6]	R · TN		Feb 7, 2022
Rep. Axne, Cynthia [D-IA-3]	D · IA		Feb 15, 2022
Rep. Aguilar, Pete [D-CA-31]	D · CA		Feb 18, 2022
Rep. Wexton, Jennifer [D-VA-10]	D · VA		Feb 18, 2022
Rep. Meng, Grace [D-NY-6]	D · NY		Feb 25, 2022
Rep. Bonamici, Suzanne [D-OR-1]	D · OR		Mar 7, 2022
Rep. Blumenauer, Earl [D-OR-3]	D · OR		Mar 16, 2022
Rep. Herrera Beutler, Jaime [R-WA-3]	R · WA		Mar 16, 2022
Rep. Barragan, Nanette Diaz [D-CA-44]	D · CA		Mar 21, 2022
Rep. Bost, Mike [R-IL-12]	R · IL		Mar 28, 2022
Rep. Bishop, Sanford D., Jr. [D-GA-2]	D · GA		Mar 29, 2022
Rep. Vela, Filemon [D-TX-34]	D · TX		Mar 30, 2022
Rep. Fallon, Pat [R-TX-4]	R · TX		Apr 5, 2022

Cosponsor	Party / State	Role	Date Joined
Rep. Garcia, Sylvia R. [D-TX-29]	D · TX		Apr 7, 2022
Rep. Kahele, Kaiali'i [D-HI-2]	D · HI		Apr 11, 2022
Rep. Norman, Ralph [R-SC-5]	R · SC		Apr 18, 2022
Rep. DeGette, Diana [D-CO-1]	D · CO		Apr 25, 2022
Rep. Harshbarger, Diana [R-TN-1]	R · TN		May 6, 2022
Rep. Cleaver, Emanuel [D-MO-5]	D · MO		May 10, 2022
Rep. Phillips, Dean [D-MN-3]	D · MN		May 16, 2022
Rep. Quigley, Mike [D-IL-5]	D · IL		May 19, 2022
Rep. Trahan, Lori [D-MA-3]	D · MA		May 24, 2022
Rep. Williams, Nikema [D-GA-5]	D · GA		May 24, 2022
Rep. Pressley, Ayanna [D-MA-7]	D · MA		Jun 7, 2022
Rep. Fitzpatrick, Brian K. [R-PA-1]	R · PA		Jun 8, 2022
Rep. Correa, J. Luis [D-CA-46]	D · CA		Jun 13, 2022
Rep. McGovern, James P. [D-MA-2]	D · MA		Jun 13, 2022
Rep. Davids, Sharice [D-KS-3]	D · KS		Jun 14, 2022
Rep. Feenstra, Randy [R-IA-4]	R · IA		Jun 15, 2022
Rep. Kaptur, Marcy [D-OH-9]	D · OH		Jun 15, 2022
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Jun 15, 2022
Rep. Davis, Rodney [R-IL-13]	R · IL		Jun 23, 2022
Rep. Kilmer, Derek [D-WA-6]	D · WA		Jun 28, 2022
Rep. Moulton, Seth [D-MA-6]	D · MA		Jul 1, 2022
Rep. Khanna, Ro [D-CA-17]	D · CA		Jul 11, 2022
Rep. Scott, Austin [R-GA-8]	R · GA		Jul 13, 2022
Rep. Lee, Barbara [D-CA-13]	D · CA		Jul 15, 2022
Rep. Cárdenas, Tony [D-CA-29]	D · CA		Aug 2, 2022
Rep. Slotkin, Elissa [D-MI-8]	D · MI		Aug 9, 2022
Rep. Brown, Shontel M. [D-OH-11]	D · OH		Aug 26, 2022
Rep. Gallego, Ruben [D-AZ-7]	D · AZ		Aug 26, 2022
Rep. Kildee, Daniel T. [D-MI-5]	D · MI		Sep 2, 2022
Rep. Casten, Sean [D-IL-6]	D · IL		Sep 26, 2022
Rep. Herrell, Yvette [R-NM-2]	R · NM		Sep 26, 2022
Rep. Johnson, Dusty [R-SD-At Large]	R · SD		Nov 3, 2022

## Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Jul 12, 2021
Ways and Means Committee	House	Referred to	Jul 9, 2021

## Subjects & Policy Tags

### Policy Area:

Health

## Related Bills

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*No related bills are listed.*

## Summary (as of Jul 9, 2021)

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### **Preserving Rules Ordered for The Entities Covered Through 340B Act of 2021 or the PROTECT 340B Act of 2021**

This bill prohibits pharmacy benefit managers (PBMs) and health insurance plans from discriminating against health providers participating in the 340B drug pricing program, including pharmacies contracted with such providers to dispense 340B drugs. The 340B program allows certain providers to receive covered outpatient drugs at reduced prices from manufacturers.

Specifically, PBMs and insurance plans may not

- reimburse 340B participants at a lower rate than other entities not participating in the program;
- impose differing terms (such as fees, charge-backs, or audits) on 340B participants;
- interfere with an individual's choice to receive drugs from a 340B participant;
- require 340B participants to identify which drugs fall within the program; or
- refuse to contract with a 340B participant on the basis that they utilize the program.

Violations of this bill are subject to a civil penalty of not more than \$5,000 per violation per day.

These prohibitions also apply to prescription drug (Part D) sponsors under Medicare.

The bill also provides for a process to prevent duplicate 340B drug discounts to states under Medicaid.

## Actions Timeline

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- **Jul 12, 2021:** Referred to the Subcommittee on Health.
- **Jul 9, 2021:** Introduced in House
- **Jul 9, 2021:** 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.
- **Jul 9, 2021:** Referred to the Subcommittee on Health.

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