

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

**H. R. \_\_\_\_\_**

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

Ms. MATSUI introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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