

Cruz 2

AMENDMENT NO. _____ Calendar No. _____

Purpose: To exempt small businesses from certain requirements of this Act.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 127

To prevent unfair and deceptive acts or practices and the dissemination of false information related to pharmacy benefit management services for prescription drugs, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. CRUZ to the amendment (No. _____) proposed by Ms. CANTWELL

Viz:

1 On page 1, line 9, strike “subsection (b)” and insert
2 “subsections (b) or (c)”.

3 On page 4, between lines 8 and 9, insert the fol-
4 lowing:

5 (c) **APPLICABILITY TO SMALL BUSINESSES.**—The re-
6 quirements of this section shall not apply to any pharmacy
7 benefit manager with a Herfindahl-Hirschman Index less
8 than 200 based on total adjusted prescription claims in
9 the pharmacy benefit management market.

1 On page 4, line 24, strike “Not later than” and insert
2 “Subject to subsection (d), not later than”.

3 On page 10, between lines 21 and 22, insert the fol-
4 lowing:

5 (d) **APPLICABILITY TO SMALL BUSINESSES.**—The re-
6 quirements of this section shall not apply to any pharmacy
7 benefit manager with a Herfindahl-Hirschman Index less
8 than 200 based on total adjusted prescription claims in
9 the pharmacy benefit management market.