

Comparison of PBM Policies on Information at Pharmacy Counter as Reported Out by the House and Senate Committees

	PATIENT Act of 2023 (EC Version) §304	Transparency in Coverage Act of 2023 (EW Version) §4	Health Care Price Transparency Act of 2023 (WM Version) §201	PBM Reform Act (HELP Version) Markey Amendment	Modernizing and Ensuring PBM Accountability Act (Finance Version)	Pharmacy Benefit Manager Transparency Act (Commerce Version)
Gag Clause	No similar provision.	Prohibits group health plans, health insurance issuers, and PBMs (through the plan or issuer) from restricting a pharmacy from informing an enrollee of any differential between OOP cost under the plan or coverage for the acquisition of a drug and the amount an enrollee would pay for acquisition of the drug without using any health plan or health insurance coverage. Does not include consumer decision support tools.	No similar provision.	Prohibits group health plans and health insurance issuers from entering contracts with PBMs that would restrict access to information necessary for the operation and use by beneficiaries of consumer decision support tools (such as real-time benefit tools).	No similar provision.	No similar provision.
Payment Limits	OOP cap for certain highly rebated drugs applied at the point of sale (see Commercial PBM Reporting comparison).	No similar provision.	Effective January 1, 2027, places a ceiling on cost-sharing in Part D for a month's supply that is no greater than the lower of: (1) the average net price for the supply; or (2) the applicable cash price.	No similar provision.	No similar provision.	No similar provision.