

118TH CONGRESS  
2D SESSION

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

To amend title XI of the Social Security Act to require pharmaceutical and device manufacturers to publicly disclose covered payments made to patient advocacy organizations.

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IN THE SENATE OF THE UNITED STATES

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Mr. GRASSLEY (for himself and Ms. HASSAN) introduced the following bill;  
which was read twice and referred to the Committee on

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**A BILL**

To amend title XI of the Social Security Act to require pharmaceutical and device manufacturers to publicly disclose covered payments made to patient advocacy organizations.

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 “Open Payments Ex-  
5       pansion Act”.

1 **SEC. 2. DISCLOSURE OF PHARMACEUTICAL AND DEVICE**  
2 **MANUFACTURER COVERED PAYMENTS TO**  
3 **PATIENT ADVOCACY ORGANIZATIONS.**

4 (a) IN GENERAL.—Section 1128G of the Social Secu-  
5 rity Act (42 U.S.C.1320a–7h) is amended—

6 (1) in subsection (a), by adding at the end the  
7 following new paragraph:

8 “(3) DONATIONS TO PATIENT ADVOCACY ORGA-  
9 NIZATIONS.—

10 “(A) IN GENERAL.—In addition to the re-  
11 quirements under paragraphs (1) and (2), on  
12 March 31, 2026, and on the 90th day of each  
13 calendar year beginning thereafter, any applica-  
14 ble manufacturer or applicable group pur-  
15 chasing organization shall submit to the Sec-  
16 retary, in such electronic form as the Secretary  
17 shall require, details regarding any covered pay-  
18 ment made by such manufacturer or organiza-  
19 tion to any patient advocacy organization, in-  
20 cluding—

21 “(i) the name of the patient advocacy  
22 organization; and

23 “(ii) the amount of the covered pay-  
24 ment.

25 “(B) DEFINITIONS.—In this paragraph:

1 “(i) COVERED PAYMENT.—The term  
2 ‘covered payment’ means any—

3 “(I) payment or other transfer of  
4 value; or

5 “(II) indirect payment or other  
6 transfer of value.

7 “(ii) INDIRECT PAYMENT OR OTHER  
8 TRANSFER OF VALUE.—The term ‘indirect  
9 payment or other transfer of value’ means  
10 a payment or other transfer of value made  
11 by an applicable manufacturer or applica-  
12 ble group purchasing organization to a pa-  
13 tient advocacy organization through a third  
14 party, where the applicable manufacturer  
15 or applicable group purchasing organiza-  
16 tion requires, instructs, directs, or other-  
17 wise causes the third party to provide the  
18 payment or transfer of value, in whole or  
19 in part, to a patient advocacy organization.

20 “(iii) PATIENT ADVOCACY ORGANIZA-  
21 TION.—The term ‘patient advocacy organi-  
22 zation’ means an organization described in  
23 section 501(c)(3) of the Internal Revenue  
24 Code of 1986 that is exempt from taxation  
25 under section 501(a) of such Code that—

1 “(I) provides education, advo-  
2 cacy, and support services oriented to-  
3 wards patients and caregivers;

4 “(II) is concerned with a medical  
5 condition diagnosed by a licensed  
6 medical practitioner who is in good  
7 standing with a State licensing body;  
8 or

9 “(III) has a mission that seeks to  
10 help vulnerable individuals affected by  
11 medical conditions or to help the fami-  
12 lies of such vulnerable individuals and  
13 takes actions consistent with such  
14 mission.”; and

15 (2) in subsection (c)(1)(C)(ix), by striking “or  
16 covered recipient” each place it appears and insert-  
17 ing “covered recipient, or patient advocacy organiza-  
18 tion”.

19 (b) ADMINISTRATION.—Chapter 35 of title 44,  
20 United States Code, shall not apply to this section or the  
21 amendments made by this section.