

119TH CONGRESS
1ST 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.

IN THE SENATE OF THE UNITED STATES

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

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, 2027, 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.