

109TH CONGRESS
1ST SESSION

S. _____

To amend title XI of the Social Security Act to repeal a safe harbor with respect to vendors in order to ensure full and free competition in the medical device and hospital supply industries.

IN THE SENATE OF THE UNITED STATES

_____ 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 repeal a safe harbor with respect to vendors in order to ensure full and free competition in the medical device and hospital supply industries.

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 Competition
5 in Hospital Purchasing Act ”.

1 **SEC. 2. ENSURING FULL AND FREE COMPETITION.**

2 (a) IN GENERAL.—Section 1128B(b)(3) of the Social
3 Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended by
4 striking subparagraph (C).

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) Section 1128B(b)(3) of the Social Security Act (42
7 U.S.C. 1320a–7b(b)(3)) is amended—

8 (A) by redesignating subparagraphs (D)
9 through (G) as subparagraphs (C) through (F), re-
10 spectively;

11 (B) in subparagraph (F), as so redesignated, by
12 striking “and” at the end;

13 (C) in subparagraph (H), as added by section
14 237(d) of the Medicare Prescription Drug, Improve-
15 ment, and Modernization Act of 2003 (Public Law
16 108–173; 117 Stat. 2213)—

17 (i) by moving such subparagraph 2 ems to
18 the left; and

19 (ii) by striking the period at the end and
20 inserting “; and”;

21 (D) by redesignating such subparagraph (H) as
22 subparagraph (G); and

23 (E) by moving subparagraph (H), as added by
24 section 431(a) of the Medicare Prescription Drug,
25 Improvement, and Modernization Act of 2003 (Pub-
26 lic Law 108–173; 117 Stat. 2287), 2 ems to the left.

1 (2) Section 1860D–31(g)(4)(A) (42 U.S.C. 1395w–
2 141(g)(4)(A)) is amended by striking “section
3 1128B(b)(3)(G)” and inserting “section
4 1128B(b)(3)(F)”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect 1 year after the date of enact-
7 ment of this Act.