

If Congress had passed this bill in 2005, there would NEVER have been any drug shortages. Congress must pass it NOW to stop the drug shortages.

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.