

January 9 2018 | Conference of Western Attorneys general Jane Horvath



States and Prescription Drugs: An Overview of State Programs to Rein in Costs



States are significant purchasers (public employees. Despite conside state budgets. While Medicaid is the health care for public workers inclu and public university employees, an \$31 billion (including employee con

on prescription du

amount served i

- Whereas: Under FDA discretion not to enforce the law, individual patients may import a 90 day supply o prescription drugs from Canada that are less expensive than drugs licensed by the FDA in the United States.

State Wholesale Importation Program



Rationale

Because the federal government has not been able to agree on an approach to constrain prescription drug prices, states need to address the problem. Study after study show how U.S. consumers pay the highest prices in the world for life-saving and life-enhancing drug treatments. The prices we pay may

NASHP's Prescription Drug Cost Workgroup
A Project of the National Academy for State Health Policy
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State	BIII	Status	Category	Summary
AL	HB 177	No Action	Volume Purchasing	Creates the Alabama Prescription Cost Initiative Board. the centralized purchase and distribution of prescription
CA	AB 265	Committee on Health	Other	Would prohibit the use of coupons for pharmaceutical d
CA	AB 315	Committee on Appropriations	Pharmacy Benefit Managers; Transparency	"This bill would also provide that a pharmacy benefit ma- benefit manager to disclose to a purchaser any conflict to benefit manager to periodically disclose to a purchaser or manufacturem, and rates regotiated with pharmacies."
CA	5.17	Committee on Health	Transparency	Would require manufacturers to provide public and privite market, and to provide information regarding justific
CA	A8 904	No Action	Other	Would declare the intent of the Legislature to enact legi
CA	AB SET	Committee on Health	Volume Purchasing	The bill would require the Department of Corrections as Agency, the Department of Flexace, the Government Oy seeks appear is properatively to bulk purchaseing clinical freatment protocols among members, leverage negotiate with manufacturents for discussion on place negotiate with manufacturents for discussion on place to described and addressed. The bill would authorise the pharmaceutization and to appear and contract with a pharmaceutization and to appear and contract with a pharmaceutization.
CT	AB 442	No Action	Price Regulation	Would amend the general statues to make predatory pr
ст	58 445	No Action	Transparency; Pharmacy Benefit Managers	On and after January 1, 2018, no contract entered into a pharmacy benefit manager or any other entity and a ph- information to an individual purchasing prescription me reimbursement to the pharmacist for the sale of the pur- modications that are less expensive than the prescription
ст	58 797	No Action	Transparency	That the general statutes be amended to require every drug that contains the total cost for the production of it manufacturer and by any producesor of such manufact by any preducesor of such manufacturer, (3) the total market the acquisition of the drug, and (5) the total market consumers.
ст	HB 7124	Joint Committee on Insurance and Real Estate	Pharmocy Senetit Managers	Concerns maximum allowable cost lists and disclosures regarding the maximum allowable cost of prescription of
CT	HI 5930	No Action	Price Regulation	Would have moderated the rise in drug prices by creating the state and to establish a database on drug develop



AN ACT TO PROMOTE PRESCRIPTION DRIEG PRICE TRANSPARENCY AND COST CONTROL

WHEREAS costs of prescription drugs are rising rapidly, year over year. In 2015, the average branded product increase was 15.5 percent. Spending on specialty drugs increased 21.5 percent from 2014 to 2015, contributing \$150.8 billion to total spending on medicines.

WHEREAS, the cost of prescription drugs represents a significant challenge to the State budget for Medicaid, CHIP expenditures, state employee and retiree health insurance, corrections' health and the cost of coverage for the employees of public schools and institutions of public higher education for which the State shares in the cost; and

business concern; and

State's residents who experience difficulty accessing affordable medications; and

drugs can strain the ability of state agencies, private payers and consumers to manage their budgets and

Supreme Court Decision Removes Barrier to Importing US Patented Drug Products at Lower Cost

By Jane Horvath and Trish Riley | June 6th, 2017

In its May 30, 2017 decision Impression Products, Inc. v Lexmark International Inc., the Supreme Court ruled that patent law cannot be used to prevent the resale of products back into the United States. The Court case specifically concerned printer toner cartridges, but it is an important ruling in the context of the domestic policy debate concerning prescription drug pricing.

The case addressed whether Lexmark could use patent law to prevent a 'generic' U.S. toner refill company from purchasing used Lexmark cartridges, refilling them, and reselling them. The Court took on the question of whether U.S. patent law differentiates between patent holder rights for products sold by the manufacturer to purchasers in the U.S. and to purchasers outside the U.S. The Court determined that patent holder rights are not differentiated by the location of the purchaser



WHEREAS the cost of prescription drugs represent a 21 percent share of spending for employer sponsored insurance⁴, creating a significant challenge to employers across the state who struggle to provide health insurance to employees and their dependents while maintaining a competitive and viable

WHEREAS the cost of prescription drugs represents a significant and daily challenge to thousands of the

WHEREAS the unpredictability of new, high cost drug launches and significant price increases for older



States and the Rising Cost of

Pharmaceuticals: A Call to Action



NASHP

hneiter's "States and Prescription Drugs: An 1 a summary of current state actions and pro-talth Policy's Work Group deliberations, Jane Policy Options for States" provided important

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