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The NRLN advocates the rights of more than 2 million American retirees from...

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September 10, 2019

The Honorable Mitch McConnell, Majority Leader
United States Senate
317 Russell Senate Office Building
Washington, DC 20510-1702

Dear Majority Leader McConnell:

On behalf of the more than 2 million retirees and future retirees represented by the National Retiree Legislative Network (NRLN), I am requesting that you call for a Senate vote on **S. 1416, Affordable Prescriptions for Patients Act of 2019**. The bill was passed by the Senate Committee on the Judiciary on June 28, 2019 and placed on the Senate Legislative Calendar under General Orders – Calendar No. 132.

Passage of **S. 1416** would help prevent drug companies from deliberately abusing the patent system by curbing the pharmaceutical drug industry's anti-competitive behaviors of "product hopping" and "patent thicketing" that restrict access to lower priced generic and biosimilar drugs.

"Product Hopping" takes advantage of the FDA approval system to get around pharmacy-level generic substitution laws. When making a new version of a drug that new drug can't be substituted for the generic, because the generic is tied to the old version. Sometimes the manufacturer will remove the old version from the market, leaving the generic with nowhere to go, as patients are forcibly switched to the new version.

Pharmaceutical drugs, especially biologics, often have several patents. Some manufacturers take advantage of the complex interplay of the different kinds of patents and deploy these patents strategically in order to prevent competition. Generic or biosimilar manufacturers have to fight through these patents (the so-called 'thicket') before they can get their drug approved.

S. 1416 would create greater efficiency in the drug manufacturing by allowing resolution of patent differences between brand and generic drugmakers prior to litigation. When there is litigation, courts would be allowed to stop drugmakers from using patent thickets to unjustly limit competitors from coming to market. This would ensure more drug choices and affordable prices.

If you would like to know more about why the NRLN supports **S. 1416**, please ask a member of your staff to contact me or Alyson Parker, the NRLN's Executive Director in Washington, DC at 813-545-6792 or executivedirector@nrln.org.

Sincerely,

Bill Kadereit, President,
National Retiree Legislative Network
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Email: president@nrln.org