Testimony to the General Law Committee
Connecticut General Assembly

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SB 269 An Act Concerning the Availability of Generic Pharmaceuticals

Good afternoon Senator Maroney, Representative D'Agostino, Senator Fonfara, Representative Gibson, Senator Witkos, Representative Rutigliano, members of the General Law Committee.

I'm Paul Pescatello, Senior Counsel and Executive Director of the Connecticut Bioscience Growth Council. I am also Chair of We Work for Health Connecticut.

The Connecticut Bioscience Growth Council is a committee of the Connecticut Business and Industry Association's biotech and biopharma members. CBIA is Connecticut's largest business organization, with thousands of member companies, small and large, representing a diverse range of industries from across the state. Ninety-five percent of our member companies are small businesses, with less than 100 employees.

The Bioscience Growth Council was formed to foster collaboration both among Connecticut biotech and biopharma companies and, just as importantly, *with* our state. The Bioscience Growth Council's central aim is to represent biotech and biopharma companies and life science research institutions to help grow this important sector of the Connecticut economy. As you know, Connecticut – *this* General Assembly – has chosen wisely to invest in the life sciences as a means to help patients and their families find effective treatments and cures and build a new pillar for job creation across the Connecticut economy.

Others have submitted testimony in opposition to SB 269, An Act Concerning the Availability of Pharmaceuticals, and outlined the many reasons why the General Assembly should not proceed with this legislation. They include the many problems and unintended consequences associated with erecting a scaffolding of state law over the complex but valuable and effective body of judicial precent and federal statutory and regulatory law governing patent settlement agreements. Creating an inconsistent state standard for evaluation of patent settlements could lead to delayed entry of generic medicines as generic manufacturers expend vast amounts of time and money litigating patent settlement claims in court.

An additional and serious concern SB 269 raises, however, is its potential effect on Connecticut's nascent biotech sector. Two things drive the growth of biotech innovation and establishment of new biotech companies—the quality and the quantity of basic research emanating from research institutions in close geographic proximity to the biotech community and the relationships biotech companies forge with the larger, more established biopharma community. These relationships are varied but often involve research partnerships, manufacturing arrangements and financial investment. They are important because to bring a new medicine from research concept to FDA approved drug takes approximately twelve years and $2.7 billion. Such collaborations may involve an array of patents and often result in various forms of patent settlements. Because SB 269 has the potential to cloud existing legal precedent and undermine settlements between biotech and biopharma companies we urge legislators to oppose the bill.

I would be happy to answer any questions you may have or expand upon any points made in my testimony.

Thank you.