

# General Law Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-188

AN ACT REQUIRING BRAND NAME PRESCRIPTION DRUG  
MANUFACTURERS TO PROVIDE SAMPLES OF BRAND NAME DRUGS TO

**Title:** GENERIC PRESCRIPTION DRUG MANUFACTURERS.

**Vote Date:** 3/15/2022

**Vote Action:** Joint Favorable

**PH Date:** 3/1/2022

**File No.:**

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## **SPONSORS OF BILL:**

General Law Committee

### **Co-Sponsors:**

Sen. Martin M. Looney, 11<sup>th</sup> Dist.

Sen. Saud Anwar, 3<sup>rd</sup> Dist.

Rep. Michael A. Winkler, 56<sup>th</sup> Dist.

## **REASONS FOR BILL:**

This bill seeks to promote a competitive marketplace for the drug market in Connecticut through requiring registered drug manufacturers to make a drug that is distributed within the state available for sale to eligible product developers with the price of that drug being no higher than the wholesale price. These developers are to obtain drugs at or below wholesale prices and may not sell the product they develop at a higher price than they obtained the sample for. December 2019 saw the passing of a new federal law, the CREATES Act. This law allows generic drug developers to sue in federal court if they are unable to obtain samples of drugs needed to support the generic drug application at a price deemed by federal law to be no higher than the drug's wholesale cost. Overall, this bill seeks to ensure a fair and competitive marketplace, with fair market prices for prescription drug being sold to manufacturers as samples and sold to consumers for use.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

None Expressed

## **NATURE AND SOURCES OF SUPPORT:**

**Senator Martin M. Looney, President Pro Tempore, State of Connecticut Senate:**

Senator Looney is in favor of the bill, as it would require brand name pharmaceutical manufacturers in the state to comply with federal law and make their samples available to the generic and biosimilar developers at no more than the drug's wholesale acquisition cost. This bill also allows the Attorney General to bring legal action against those manufacturers that do not comply, ensuring a fair market price.

**NATURE AND SOURCES OF OPPOSITION:**

**The Pharmaceutical Research and Manufacturers of America:**

The Pharmaceutical Research and Manufacturers of America (PhRMA) is opposed to the bill because it seeks to require a manufacturer of branded medications to provide its products to another drug or biologic manufacturer in a manner which is duplicative of, and in conflict with, recently enacted federal law in the space. Due to the existing robust statutory and regulatory federal framework, state action in this space is unnecessary and likely to be preempted, so PhRMA respectfully urges opposition to SB 188.

**Reported by: Luke Tressy, Assistant Clerk**

**Date: 03/22/2022**