
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1042 Session of
2019

INTRODUCED BY PASHINSKI, MURT, SCHLOSSBERG, BOBACK, ISAACSON,
KORTZ, KINSEY, MILLARD, BARRAR, KIRKLAND, FREEMAN, McNEILL,
SCHWEYER, HILL-EVANS, KAUFER, DeLUCA, CIRESI, ZABEL,
YOUNGBLOOD, DRISCOLL, ROZZI AND TOOHIL, APRIL 2, 2019

REFERRED TO COMMITTEE ON HEALTH, APRIL 2, 2019

AN ACT

1 Providing for the Prescription Drug Pricing Task Force.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Prescription
6 Drug Pricing Task Force Act.

7 Section 2. Findings.

8 The General Assembly finds that:

9 (1) Residents of this Commonwealth have experienced
10 increasingly costly out-of-pocket expenses for prescription
11 drugs.

12 (2) Rising costs for prescription drugs too frequently
13 result in a patient's inability to pay for prescriptions and
14 subsequently not filling their prescription, cutting pills in
15 half or skipping doses.

16 (3) Despite the needed financial assistance offered by

1 drug manufacturers to help patients pay for prescription
2 drugs, many patients cannot afford the mounting costs of
3 prescriptions.

4 (4) The Commonwealth must examine ways to create
5 fairness and address high costs for patients.

6 Section 3. Prescription Drug Pricing Task Force.

7 (a) Establishment.--The Prescription Drug Pricing Task Force
8 is established to study the pricing of prescription drugs and
9 issue a report under this act.

10 (b) Composition.--The task force shall consist of the
11 following members, all of whom shall be residents of this
12 Commonwealth:

13 (1) One member appointed by the Governor.

14 (2) One member appointed by the President pro tempore of
15 the Senate.

16 (3) One member appointed by the Majority Leader of the
17 Senate.

18 (4) One member appointed by the Minority Leader of the
19 Senate.

20 (5) One member appointed by the Speaker of the House of
21 Representatives.

22 (6) One member appointed by the Majority Leader of the
23 House of Representatives.

24 (7) One member appointed by the Minority Leader of the
25 House of Representatives.

26 (8) The Insurance Commissioner or a designee.

27 (9) The Secretary of Health or a designee.

28 (10) The Secretary of Aging or a designee.

29 (11) The Secretary of Human Services or a designee.

30 (c) Appointment of members.--The following shall apply:

1 (1) Each member appointed to the task force shall be
2 knowledgeable of the issues surrounding consumer protection,
3 health care, health care costs and health insurance and
4 shall, to the greatest extent possible, include individuals
5 who represent pharmacies, pharmacy benefit managers, patient
6 advocacy groups, pharmaceutical manufacturers, health
7 insurers or licensed health care providers.

8 (2) A member of the task force may be a member of the
9 General Assembly.

10 (3) Appointments to the task force shall be made not
11 less than 30 days after the effective date of this section.
12 Any vacancy shall be filled by the appointing authority.

13 (4) The members of the task force shall elect a member
14 to serve as chairperson of the task force.

15 (d) Expenses.--Members may not receive compensation for
16 their service but shall be reimbursed for all necessary travel
17 and other reasonable expenses incurred in connection with the
18 performance of their duties as members of the task force.

19 Section 4. Meetings of the task force.

20 (a) First meeting.--The task force shall hold its first
21 meeting within 60 days of the effective date of this section.

22 (b) Number of meetings.--The task force shall meet at least
23 four times throughout the course of the year beginning on the
24 date of the first meeting and, subject to the approval of the
25 chairperson, may hold additional meetings whenever necessary to
26 discharge its duties.

27 (c) Teleconferencing.--The task force may participate in
28 meetings via teleconference when necessary.

29 (d) Call of the chairperson.--The task force shall hold
30 meetings at the call of the chairperson.

1 (e) Location.--The task force shall determine the location
2 of meetings, subject to the approval of the chairperson, which
3 shall be within this Commonwealth.

4 (f) Meetings open to public.--Each meeting of the task force
5 shall be open to the public, subject to the provisions of 65
6 Pa.C.S. Ch. 7 (relating to open meetings).

7 Section 5. Report.

8 (a) Issuance.--The task force shall research the pricing of
9 prescription drugs in this Commonwealth and issue a report
10 within one year of its first meeting.

11 (b) Contents.--The report shall include findings,
12 recommendations and any suggested legislative remedies regarding
13 the following:

14 (1) Efforts to make prescription drugs more affordable.

15 (2) Factors contributing to high out-of-pocket
16 prescription drug costs to patients.

17 (3) Patient treatment adherence and access to
18 prescription drugs.

19 (4) Expensive medical interventions or hospitalizations
20 that may occur as a result of a patient's inability to afford
21 and maintain access to prescription drugs.

22 (5) Manufacturer costs for research and development,
23 clinical trials, regulatory costs, cost of materials,
24 manufacturing and administration.

25 (6) Manufacturer annual prices for prescription drugs to
26 purchasers inside and outside of the United States.

27 (7) Profit margins and projected profit margins of drug
28 manufacturers.

29 (8) Financial assistance offered by drug manufacturers.

30 (9) Further oversight, transparency and clarity

1 concerning the determination of prescription drug pricing.

2 (10) Negotiation of prescription drug costs between
3 manufacturers and the Commonwealth's medical assistance
4 program.

5 (c) Consultation.--The task force shall consult with
6 interested parties, experts and members of the public during the
7 process of compiling the report.

8 (d) Transmittal.--The report shall be transmitted to the
9 following:

10 (1) The Governor.

11 (2) The Department of Aging of the Commonwealth.

12 (3) The Department of Health of the Commonwealth.

13 (4) The Department of Human Services of the
14 Commonwealth.

15 (5) The Insurance Department of the Commonwealth.

16 (6) The Health Care Cost Containment Council.

17 (7) The chairperson and minority chairperson of the
18 Aging and Youth Committee of the Senate.

19 (8) The chairperson and minority chairperson of the
20 Aging and Older Adult Services Committee of the House of
21 Representatives.

22 (9) The chairperson and minority chairperson of the
23 Banking and Insurance Committee of the Senate.

24 (10) The chairperson and minority chairperson of the
25 Insurance Committee of the House of Representatives.

26 (11) The chairperson and minority chairperson of the
27 Health and Human Services Committee of the Senate.

28 (12) The chairperson and minority chairperson of the
29 Health Committee of the House of Representatives.

30 (13) The chairperson and minority chairperson of the

1 Human Services Committee of the House of Representatives.

2 (14) The United States Food and Drug Administration.

3 Section 6. Effective date.

4 This act shall take effect immediately.