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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 833 Session of 2021

INTRODUCED BY KINKEAD, PASHINSKI, CIRESI, A. DAVIS, DELLOSO, FREEMAN, HILL-EVANS, ISAACSON, KINSEY, MADDEN, PARKER, ROZZI, SANCHEZ, SCHLOSSBERG, SCHWEYER, SOLOMON AND ZABEL, MARCH 8, 2021

REFERRED TO COMMITTEE ON HEALTH, MARCH 8, 2021

AN ACT

Providing for the study and design of a program for importing prescription drugs.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Wholesale Prescription Drug Importation Program Design Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Health of the Commonwealth.

"Prescription drug." As defined in section 384(a)(3) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 384(a)(3)).

"Program." The wholesale prescription drug importation program designed under section 4.

"Secretary." The Secretary of Health of the Commonwealth.

"Wholesale distributor of prescription drugs." As defined under section 3 of the act of December 14, 1992 (P.L.1116, No.145), known as the Wholesale Prescription Drug Distributors License Act.

Section 3. Study on wholesale importation of prescription drugs.

(a) General rule.--The department shall conduct a study and issue a report regarding the wholesale importation of prescription drugs from Canada into this Commonwealth.

(b) Report.--At a minimum, the report shall:

(1) Identify prescription drugs with the highest potential for consumer savings if imported through a program.

(2) Estimate savings to consumers and the Commonwealth if a program were to be established.

(3) Evaluate the likelihood of participation in a program by consumers, pharmacies, health care providers, health insurance companies and other relevant stakeholders.

(4) Identify the extent to which prescription drugs imported through a program could comply with the tracking and tracing requirements of sections 360eee and 360eee-1 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. §§ 360eee and 360eee-1) prior to the importation of the drugs into this Commonwealth.

(5) Estimate the costs of operating a program.

(6) Identify a method of financial support for a program, including, but not limited to, a charge or fee per prescription drug.

(7) Assess, in consultation with the Office of Attorney General, the potential for anticompetitive behavior.

(8) Provide legislative recommendations regarding the establishment of a program.

(c) Report submission.--The secretary shall submit the report to the following no later than one year after the effective date of this section:

(1) The Governor.

(2) The President pro tempore of the Senate.

(3) The Speaker of the House of Representatives.

(4) The Majority Leader of the Senate.

(5) The Majority Leader of the House of Representatives.

(6) The Minority Leader of the Senate.

(7) The Minority Leader of the House of Representatives.

(8) The chairperson and minority chairperson of the Appropriations Committee of the Senate.

(9) The chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

(10) The chairperson and minority chairperson of the Health and Human Services Committee of the Senate.

(11) The chairperson and minority chairperson of the Health Committee of the House of Representatives.

Section 4. Wholesale prescription drug importation program.

(a) Design.--The department, in consultation with interested stakeholders and appropriate Federal officials, shall design a wholesale prescription drug importation program.

(b) Program.--The program shall:

(1) Identify methods to ensure that imported prescription drugs meet the safety, effectiveness and other standards of the United States Food and Drug Administration.

(2) Identify methods of:

(i) procuring prescription drugs from Canadian

prescription drug suppliers identified under paragraph (4); and

(ii) distributing prescription drugs procured under subparagraph (i) throughout this Commonwealth.

(3) Evaluate the benefits and disadvantages of designating and licensing an agency within the department as a wholesale distributor of prescription drugs for the purposes of this act.

(4) Identify Canadian prescription drug suppliers regulated under the laws of Canada or under one or more Canadian provinces.

(5) Identify ways to ensure that only prescription drugs expected to generate substantial savings are imported into this Commonwealth.

(6) Identify an efficient way of administering and marketing the program.

(c) Transmission of program design.--The secretary shall transmit a copy of the program design to the following within one year after the submission of the report under section 3(c):

(1) The Governor.

(2) The President pro tempore of the Senate.

(3) The Speaker of the House of Representatives.

(4) The Majority Leader of the Senate.

(5) The Majority Leader of the House of Representatives.

(6) The Minority Leader of the Senate.

(7) The Minority Leader of the House of Representatives.

(8) The chairperson and minority chairperson of the Appropriations Committee of the Senate.

(9) The chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

(10) The chairperson and minority chairperson of the Health and Human Services Committee of the Senate.

(11) The chairperson and minority chairperson of the Health Committee of the House of Representatives.

(d) Construction.--Nothing in this section shall be construed as establishing a program or giving the department the authority to establish a program.

Section 5. Effective date.

This act shall take effect immediately.