

July 13, 2023

Dear Members of the United States Senate,

As organizations representing patients, consumers, seniors, churches, students, unions and disease advocacy groups, we are grateful to see ongoing Senate attention to critical issues such as access to health care and prescription drugs. To further advance progress towards affordable prescription drugs for everyone, we urge the Senate to immediately act on bipartisan legislation to lower drug prices through increased competition, transparency, and accountability.

[One in four](#) people in the United States has difficulty affording medications, including an estimated [3.5 million](#) adults age 65 and older. People of color are [disproportionately harmed](#) by high drug prices, which contribute to the fact that uninsured Latinos and Black Americans use 10-40% fewer medications than their White counterparts. Further, among adults 65 and older, Latino and Black adults are [roughly 1.5 times more likely](#) to have trouble affording needed medications than Non-Latino White adults and 2 times as likely not to get needed prescriptions due to cost. In addition, adults living with disabilities are about [three times more likely](#) than those without disabilities to ration their medications.

Drug companies in the U.S. have unlimited, unilateral pricing power during time-limited monopoly periods awarded by the U.S. Patent and Trademark Office (USPTO) and the Food and Drug Administration (FDA). Many big drug companies prolong these monopoly periods by employing anti-competitive tactics — exploiting loopholes in our laws and regulations to block competition — while patients, employers, and taxpayers are left paying prices that are [up to four times](#) what other wealthy nations pay for the exact same brand name drugs.

The passage and implementation of the recent prescription drug law is a long-overdue step towards rightsizing the drug industry's extraordinary pricing power. A critical next step is to crack down on patent and regulatory abuses by drug companies that thwart competition from lower priced alternatives. Spurring competition from biosimilar and generic products will help advance drug affordability across every drug class and every disease state, improving access for all the communities we represent.

In the coming months, the Senate has the opportunity to advance a package of bipartisan bills that will strengthen our patent and regulatory systems by encouraging earlier market entry of more affordable generics and biosimilars and by curbing anti-competitive behaviors.

We urge the Senate to immediately advance bills to increase competition by:

- Reforming the patent system: Brand-name drug companies exploit the patent system to artificially prolong their time on the market without any competition, such as by paying generic manufacturers to delay entering the market or by making trivial, non-innovative changes to medicines in an effort to block market entry by a prospective generic or biosimilar competitor. There are bipartisan bills in the Senate that strengthen the patent system by banning anti-competitive practices such as these so-called “pay-for-delay” deals and product hopping tactics. These bills have passed House and Senate Judiciary Committees on strong bipartisan votes in the past two Congresses. Beyond broad Senate support, these reforms enjoy the support of the American people. More than [80%](#) of voters across party lines want federal agencies such as the USPTO to encourage greater competition in the prescription drug marketplace.
- Closing regulatory loopholes: Drug companies also misuse the citizen petition process and hide behind proprietary information in order to make it more difficult for competitors to come to market. Bipartisan legislation passed by the Senate Health, Education, Labor and Pensions (HELP) Committee can further promote competition by preventing big drug companies from manipulating regulatory loopholes in order to thwart competitors and adding transparency to FDA processes so generic companies have the information they need to come to market.

Together these reforms take vital steps to promote competition, accountability, and transparency that will lower drug prices for patients, payers, and taxpayers, including the constituencies we represent. On behalf of our constituencies, we urge the Senate to act immediately to advance these reforms.

Signed:

AARP
American Federation of Teachers
Authentic Caribbean Foundation
Beta Cell Action
Center for Health & Democracy
Committee to Protect Health Care
Community Catalyst
Consumer Action
COVID Survivors for Change
Families USA
Health Care Is a Human Right WA
Health Care Voices
Health GAP (Global Access Project)

Human Rights Watch
Initiative for Medicines, Access & Knowledge (I-MAK)
Interfaith Center on Corporate Responsibility (ICCR)
Labor Campaign for Single Payer
Lower Drug Prices Now
MomsRising
New Jersey Citizen Action
Oregonizers
Patients For Affordable Drugs Now
Prescription Justice
Protect Our Care
Public Citizen
Right Care Alliance
Salud y Fármacos
Social Security Works
SPACeS In Action
T1International, USA
Tennessee Health Care Campaign
U.S. PIRG
Unity Fellowship of Christ Church-NYC
Universities Allied for Essential Medicines (UAEM)
VOCAL-NY