

# Oppose House Bill 1780!

Don't Harm Patient Access to Affordable Generic Medicines by Chilling Generic Drug Competition.



Everyone supports containing skyrocketing prescription drug prices **but H.B. 1780, sponsored by Rep. Rebecca McBeath (D), would actually just make the problem worse for New Hampshire patients and our economy.** The same bill is currently being litigated in Maryland and could be unconstitutional.

## H.B. 1780 ignores the realities of the prescription drug marketplace.

Inexplicably, the bill applies only to generic drugs — products that save the state, taxpayers and patients billions per year. It does not reduce prices for much more expensive brand-name and specialty drugs that cost New Hampshire patients and taxpayers billions of dollars per year.

Generic drugs are a true success story. Generic medicines account for 89% of all prescriptions, but they only account for 26% of drug costs.



Medicaid:  
**\$66 Million**

Medicare:  
**\$281 Million**



Cash (Non-Insured):  
**\$34 Million**

Commercial Insured:  
**\$556 Million**



TOTAL 2016 GENERIC SAVINGS

**\$937 Million**

in New Hampshire

## H.B. 1780 has no meaningful standard to allow companies to know when they are in compliance with the law.

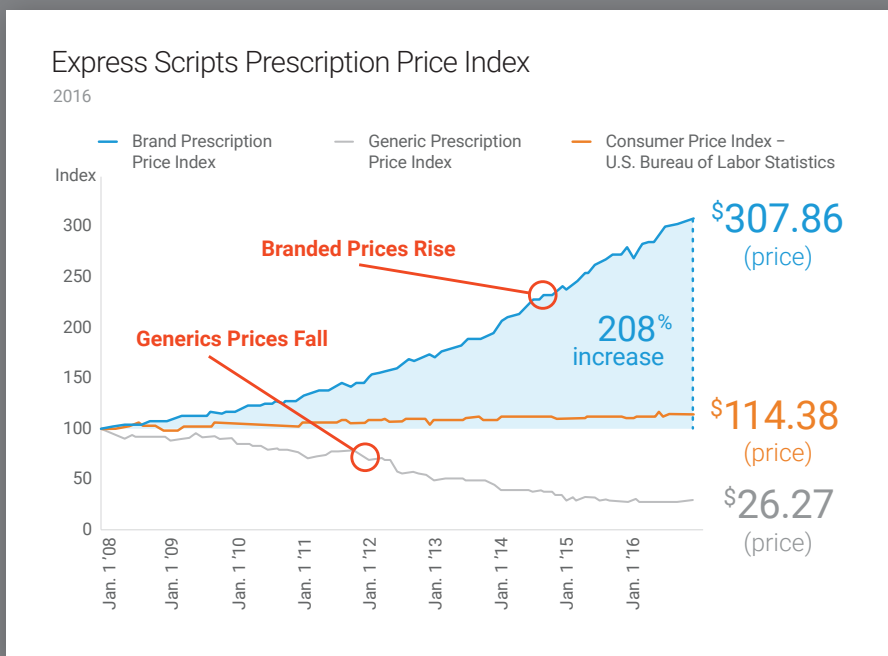
### The bill does not define when a price is “not justified” or “excessive.”

- Given the vague standards set forth in the bill, companies would perpetually be at risk of facing prosecution for price fluctuation of just pennies that can normally occur during the course of business within the competitive free market.
- Without a true standard dictating when a free market price is “justified,” H.B. 1780 would provide no notice for companies to know whether they are in compliance with the new law.
- Without clear guidance under the law, companies will need to find ways to mitigate the risk of costly litigation with the attorney general, putting patient access to affordable generics at risk.
- The bill currently creates an “unconscionable” standard that allows for changes in price only when a manufacturer has changes in the direct cost of production or expands marketing costs for its product. There is no allowance for a manufacturer to make reasonable business decisions based on existing market dynamics.

## H.B. 1780 would chill competition among generic drug manufacturers and allow government bureaucrats to influence the health care marketplace, ultimately driving up costs.

**The bill allows the government to impose costs and regulatory burdens whenever bureaucrats believe that pricing of a medicine is “not justified.”**

- Year over year, generic drug prices fall, while brand-name drug prices rise. The overall price of generics fell over 8% in 2016, and prices are down more than 70% since 2008. Rather than allow market competition to continue working, New Hampshire would become the first state to reject generic competition in favor of more government regulation – of generic drugs, the only segment of health care costs that is declining.
- Generic drug prices can fluctuate up and down in the drug marketplace over the course of days or months while still declining on average. But this bill does not account for market realities and instead puts elected officials in the role of the marketplace.
- By subjecting manufacturers of generic drugs to draconian penalties – while ignoring the substantial costs of brand-name prescription drugs – the policy in H.B. 1780 would provide an incentive for generic drug companies to avoid doing business in or selling their products in our state.
- If fewer affordable generic drugs are available in New Hampshire, we all lose.



### Market Dynamics

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