

March 15, 2022

The Honorable Patty Murray
154 Russell Senate Office Building
Washington, DC 20510

The Honorable Richard Burr
217 Russell Senate Office Building
Washington, DC 20510

Re: Sanders Amendment #3 Prescription Drug Importation Legislation

Dear Chair Murray and Ranking Member Burr:

On behalf of the American Pharmacists Association (APhA) and the National Association of Chain Drug Stores (NACDS), we are writing today to express concerns about Senator Sanders' amendment #3 "to amend the Federal Food, Drug, and Cosmetic Act to allow for the importation of affordable and safe drugs by wholesale distributors, pharmacies, and individuals" on S. 3799, the PREVENT Pandemics Act.

We support efforts to provide Americans access to safe, effective, and affordable prescription drugs. While we appreciate a dynamic and consumer driven approach to tackling rising drug costs in the United States, we do not agree that importation is an effective solution to systemic domestic drug pricing issues and must voice our opposition to expanding importation laws that, in effect, pose risks to patient health and public safety or bifurcate care. Instead, we urge lawmakers to focus their energies on developing policies that address the underlying cost drivers within the scope of our closed and safe supply chain.

APhA is the only organization advancing the entire pharmacy profession. Our expert staff, and strong volunteer leadership, including many experienced pharmacists, allow us to deliver vital leadership to help pharmacists, pharmaceutical scientists, student pharmacists and pharmacy technicians find success and satisfaction in their work, while advocating for changes that benefit them, their patients, and their communities.

NACDS represents traditional drug stores, supermarkets and mass merchants with pharmacies. Chains operate 40,000 pharmacies, and NACDS' over 80 chain member companies include regional chains, with a minimum of four stores, and national companies. Chains employ more than 3 million individuals, including 157,000 pharmacists. They fill over 3 billion prescriptions yearly, and help patients use medicines correctly and safely, while offering innovative services that improve patient health and healthcare affordability. NACDS members also include more than 900 supplier partners and over 70 international members representing 21 countries. Please visit nacds.org.

Pharmacists are one of the most trusted resources available to consumers when it comes to finding information about how to save money on expensive and needed prescription medications. Our industry, made up of highly trained healthcare professionals, is keenly aware of how expensive medications in the U.S. have become as well as how those high costs may negatively affect medication adherence, result in abandonment of prescription medications, and even cause adverse health outcomes. With this urgency at front of mind, our organizations are still compelled to write to

emphasize our concern for the potential risk of harm which may be caused to U.S. citizens as a result of expanding legal importation policies in the U.S.

We believe the risks to patient safety, including those associated with segmented and disjointed care and the amount of funding that would be needed for cross-border oversight in an attempt to try to protect patient safety, would outweigh any benefits derived from potential cost-savings to patients or payers. This belief is consistent with past FDA commissioners, including the current FDA Commissioner Califf, who stated, “any improved access and cost savings from importation are likely to be minimal” and “these small savings might not be passed on to patients, even if consumers are able to obtain a legitimate imported drug.”¹

We support continued, strong FDA oversight over the drug supply chain. As such, we maintain serious concern for how enforcement and oversight related to importation of prescription drugs will occur. The fact of the matter is that the federal government cannot provide adequate safety assurances if the country of Canada is not an eager and fully engaged partner in such an endeavor. Otherwise, how would one verify any participating Canadian entity which either is, or claims to be, a pharmacy in compliance with U.S. law? U.S. citizens simply cannot rely on the Canadian government and its provinces to provide such oversight when they do not have any responsibility or desire to do so. To support personal importation of non-FDA approved medications is to compromise the integrity and security of the supply chain for prescription drugs.

Other negative events can result from broadened importation, such as increased adverse events and decreased medication adherence. In addition, practitioners may make care decisions based on a patient’s incomplete medical and medication profile, because of the patient’s various medical and medication records in Canada and the U.S. Pharmacist-provided services that help patients optimize medications, such as medication therapy management covered under Medicare Part D, may lose their effectiveness as medication reviews will likely not be comprehensive or even performed, especially if it is more difficult to determine the patient’s eligibility for such services. In addition, foreign entities would be unlikely to provide these services to patients since they would be working from even more limited information and would not be connected to payers in the U.S. for coverage purposes. The U.S. spends nearly \$300 billion as a result of medication-related problems, and we anticipate that importation will only increase this number.²

Despite the good intentions of Senator Sanders and others who believe prescription drug importation is a solution to high drug costs, we are concerned that the risks to patient safety and the overall security of the prescription drug supply chain outweigh any potential savings. Instead, we believe that licensing foreign websites and allowing drug importation will harm patients, potentially increase out-of-pocket costs for patients, and undermine key efforts underway to enhance the safety and quality of healthcare delivery in the U.S. Therefore, we urge the HELP Committee to oppose Senator

¹ Califf, R.M., Hamburg, M.B., McClellan, M. & Von Eschenbach, A. (March 2017). Open letter to members of Congress. Available at: https://healthpolicy.duke.edu/sites/default/files/atoms/files/2017_03_16_commissioners_letter_final.pdf (accessed January 11, 2019)

² New England Healthcare Institute. Thinking Outside the Pillbox: A System-wide Approach to Improving Patient Medication Adherence for Chronic Disease. August 2009. <http://www.nehi.net/publications/17-thinking-outside-the-pillbox-a-system-wide-approach-to-improving-patient-medication-adherence-for-chronic-disease/view>

Sanders' amendment #3. We look forward to continuing to work with you on this very important issue.

Sincerely,

American Pharmacists Association
National Association of Chain Drug Stores