

SENATE JOINT RESOLUTION NO. 11

INTRODUCED BY WILSON, STRIZICH, RYAN, WELDON, BARTLETT

IN THE SENATE

JANUARY 28, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FIRST READING.

FEBRUARY 5, 1993

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 6, 1993

PRINTING REPORT.

ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

FEBRUARY 8, 1993

SECOND READING, DO PASS.

FEBRUARY 9, 1993

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 42; NOES, 8.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 10, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

FIRST READING.

MARCH 13, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 29, 1993

SECOND READING, CONCURRED IN.

MARCH 31, 1993

THIRD READING, CONCURRED IN.
AYES, 85; NOES, 14.

APRIL 1, 1993

RETURNED TO SENATE.

IN THE SENATE

APRIL 2, 1993

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate JOINT RESOLUTION NO. 11

INTRODUCED BY

J. A. Weldon *Capitol* *Wilson* *W. Ryan*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO
REGULATE THE COST OF PRESCRIPTION DRUGS.

WHEREAS, the cost of prescription drugs has risen at an
alarming rate far surpassing inflation; and

WHEREAS, prescription drugs are a necessity of life for
the individuals who are required to take them; and

WHEREAS, the Legislature has recognized the need to
regulate prescription drugs by requesting legislation to
study the cost and distribution of prescription drugs and to
require mandatory price posting for the most widely
prescribed drugs; and

WHEREAS, the cost of prescription drugs often falls most
heavily on those least able to afford the runaway cost
increases in the price of prescription drugs, including
senior citizens and others on fixed incomes; and

WHEREAS, the affordability of prescription drugs is a
problem impacting every American.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
OF REPRESENTATIVES OF THE STATE OF MONTANA:

That Congress be urged to pass legislation regulating
the pricing of prescription drugs so that all Americans have
access to affordable health care that allows them to live in
a manner that does not involve forgoing other necessities of
life.

BE IT FURTHER RESOLVED, that the Secretary of State send
a copy of this resolution to each member of the Montana
Congressional Delegation and to the Secretary of Health and
Human Services.

-End-

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

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WHEREAS, the cost of prescription drugs has risen at an
alarming rate far surpassing inflation; and

WHEREAS, prescription drugs are a necessity of life for
the individuals who are required to take them; and

~~WHEREAS, the legislature has recognized the need to
regulate prescription drugs by requesting legislation to
study the cost and distribution of prescription drugs and to
require mandatory price posting for the most widely
prescribed drugs; and~~

WHEREAS, MANY PHARMACEUTICAL MANUFACTURERS SELL THE SAME
DRUG AT WIDELY VARYING PRICES TO DIFFERENT DISTRIBUTORS,
CHARGING THE HIGHEST PRICES AND MAKING THE GREATEST PROFITS
ON DRUGS SOLD TO COMMUNITY PHARMACIES; AND

WHEREAS, CLASSES OF DRUG DISTRIBUTORS OTHER THAN
COMMUNITY PHARMACIES DO NOT OFTEN PASS ON THEIR LOWER PRICES
FROM PHARMACEUTICAL MANUFACTURERS BUT RETAIN MUCH OF THE
DIFFERENTIAL AS PROFIT; AND

WHEREAS, THE SIMPLE PRINCIPLE OF THE ROBINSON-PATMAN

ANTI-DISCRIMINATION ACT, THAT SELLERS' PRICES TO DIFFERENT
CUSTOMERS SHOULD NOT VARY FOR OTHER THAN GOOD COMMERCIAL
REASONS, WOULD CURE MUCH OF WHAT IS WRONG WITH
PHARMACEUTICAL PRICING WERE THAT ACT NOT WEAKENED BY UNDULY
BROAD EXEMPTIONS; AND

WHEREAS, CONGRESS HAS FORCED PHARMACEUTICAL
MANUFACTURERS TO REBATE A PORTION OF THE EXCESS PROFITS THEY
REALIZE FROM DIFFERENTIAL PRICING TO THE STATES' MEDICAID
PROGRAMS, AND THESE REBATES TO THE MONTANA MEDICAID PROGRAM
HAVE APPROACHED \$2.8 MILLION A YEAR; AND

WHEREAS, EXTENSION OF THE PRINCIPLES OF THE ACT TO ALL
PHARMACEUTICAL PRICING WOULD EXTEND SIMILAR BENEFITS TO ALL
CONSUMERS; AND

WHEREAS, the cost of prescription drugs often falls most
heavily on those least able to afford the runaway cost
increases in the price of prescription drugs, including
senior citizens and others on fixed incomes; and

WHEREAS, the affordability of prescription drugs is a
problem impacting every American.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
OF REPRESENTATIVES OF THE STATE OF MONTANA:

That Congress be urged to pass legislation regulating
EXTENDING THE ROBINSON-PATMAN ANTI-DISCRIMINATION ACT TO the
pricing of prescription drugs BY PHARMACEUTICAL

1 MANUFACTURERS AND TO OTHERWISE REGULATE EXCESSIVE PRICING OF
2 PRESCRIPTION DRUGS so that all Americans have access to
3 affordable health care that allows them to live in a manner
4 that does not involve forgoing other necessities of life.

5 BE IT FURTHER RESOLVED, that the Secretary of State send
6 a copy of this resolution to each member of the Montana
7 Congressional Delegation, ~~and to~~ the Secretary of Health and
8 Human Services, AND SENATOR DAVID PRYOR OF ARKANSAS.

-End-

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WHEREAS, the cost of prescription drugs has risen at an alarming rate far surpassing inflation; and

WHEREAS, prescription drugs are a necessity of life for the individuals who are required to take them; and

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WHEREAS, CLASSES OF DRUG DISTRIBUTORS OTHER THAN COMMUNITY PHARMACIES DO NOT OFTEN PASS ON THEIR LOWER PRICES FROM PHARMACEUTICAL MANUFACTURERS BUT RETAIN MUCH OF THE DIFFERENTIAL AS PROFIT; AND

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WHEREAS, CONGRESS HAS FORCED PHARMACEUTICAL MANUFACTURERS TO REBATE A PORTION OF THE EXCESS PROFITS THEY REALIZE FROM DIFFERENTIAL PRICING TO THE STATES' MEDICAID PROGRAMS, AND THESE REBATES TO THE MONTANA MEDICAID PROGRAM HAVE APPROACHED \$2.8 MILLION A YEAR; AND

WHEREAS, EXTENSION OF THE PRINCIPLES OF THE ACT TO ALL PHARMACEUTICAL PRICING WOULD EXTEND SIMILAR BENEFITS TO ALL CONSUMERS; AND

WHEREAS, the cost of prescription drugs often falls most heavily on those least able to afford the runaway cost increases in the price of prescription drugs, including senior citizens and others on fixed incomes; and

WHEREAS, the affordability of prescription drugs is a problem impacting every American.

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