

February 9, 2023

Senate Judiciary Committee Advances Five Bipartisan Bills Addressing Prescription Drug Costs

On Thursday (February 9), the Senate Judiciary Committee advanced five bipartisan bills that aim to lower prescription drug costs. The bills aim to lower prescription drug costs by cracking down on drugmaker tactics to extend patents, improving patent coordination between the U.S. Patent and Trademark Office and the Food and Drug Administration (FDA), and requiring the Federal Trade Commission (FTC) to examine potentially abusive practices by pharmacy benefit managers. The Committee previously advanced each of the five bills at different times over the last two years. During the hearing, lawmakers from both sides of the aisle raised concerns that the bills would give the FTC too much authority and could hinder innovation.

Prior to considering the five bills, the Committee by voice vote adopted the Committee Authorizing Resolution and Committee Rules for the 118th Congress. Committee members also voted on several pending judicial nominations and discussed the use of blue slips during consideration.

- For more information: <https://www.judiciary.senate.gov/meetings/02/09/2023/executive-business-meeting>

Mark-up details

S. 79, Interagency Patent Coordination and Improvement Act of 2023

- *High-level summary:* The bill would establish an interagency task force that provides technical assistance and shares information on drug patent decision-making between the U.S. Patent and Trademark Office and the FDA, including information on patent application evaluations, training sessions and FDA approvals.
- *Outcome:* Ordered to be favorably reported by voice vote.

S. 113, Prescription Pricing for the People Act of 2023

- *High-level summary:* The bill would require the FTC to examine the impact of price consolidations and other potentially abusive practices by pharmacy benefit managers on pricing. The bill requires FTC to provide Congress with policy recommendations to improve drug competition.
- *Outcome:* Ordered to be favorably reported, as amended, by voice vote. The committee adopted a manager's amendment from Sen. Chuck Grassley (R-IA).

S. 142, Preserve Access to Affordable Generics and Biosimilars Act

- *High-level summary:* The bill would limit so-called "pay-for-delay" agreements that prevent or delay the introduction of biosimilar, interchangeable biologics or generic versions of branded drugs.
- *Outcome:* Ordered to be favorably reported, as amended, by voice vote. The committee adopted a manager's amendment from Sen. Amy Klobuchar (D-MN).

S. 148, Stop STALLING Act

- *High-level summary:* The bill would give the FTC the authority to penalize brand drugmakers for filing false citizen petitions with the FDA that aim to interfere with the approval of competing generics and biosimilars.
- *Outcome:* Ordered to be favorably reported, as amended, by voice vote. The committee adopted a manager's amendment from Sen. Amy Klobuchar (D-MN).

S. 150, Affordable Prescriptions for Patients Act of 2023

- *High-level summary:* The bill would amend the Federal Trade Commission Act to stop brand name drugmakers from using product hopping and other tactics to prevent generics and biosimilars from entering the market.
- *Outcome:* Ordered to be favorably reported by voice vote.

If you have questions, please contact [Heather Meade](#) or [Heather Bell](#).

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