

General Law Committee

Public Hearing

March 5, 2013

Testimony to Support H.B. No. 6444

Chairman Doyle, Chairman Baram, distinguished members of the General Law Committee:

Thank you for allowing me to provide testimony today to support H.B. No. 6444. My name is Delman Lebel and I am the Director of State Government Affairs for Allergan, Inc. Allergan is a global multi-specialty healthcare company headquartered in Irvine, California, with a sales and marketing presence in more than 100 countries.

Allergan believes H.B. No. 6444 is a great start for the state of Connecticut in addressing illegally imported and non-FDA approved/counterfeit drugs. This bill adds a fine to those who knowingly purchase, trade, sell or transfer a counterfeit substance. We suggest, however, that in addition to a monetary penalty, there could be additional penalties including revocation of license. Moreover, in addition to amending the Pharmacy Practice Act, we suggest the same amendments to the Medical Practice Act with similar language.

As you know, even foreign versions of FDA-approved drugs are considered unapproved drugs in the US. Drug diversion is a large and rapidly growing problem in the United States, and one that is watched very closely by a global company such as Allergan as it puts our patients' safety at risk. "Lifestyle" classes of drugs are regularly illegally imported into the state by healthcare practitioners via the internet. Additionally, physicians are regularly solicited to purchase these illegally imported products by unauthorized companies that hire a sales force to call on physicians in their offices or through fax blasts.

Companies which call themselves "Canadian pharmacies" solicit business from Connecticut based healthcare practitioners. These so-called "Canadian pharmacies" are often based outside of Canada, frequently in Asia or Africa. Healthcare practitioners are tempted to purchase through these illegal outlets to acquire the drugs they administer due to the difference in pricing from the approved drugs. Purchasing prescription drugs via the non-approved outlets often results in contamination of the drug supply or even potential patient injury. Because unapproved drugs are not subject to the FDA's oversight, the FDA has no knowledge how unapproved drugs are made, what patient information is included with the drug, or what the side effects of the drugs are. As a result they are more likely to be contaminated, counterfeit, inherently ineffective, or contain different amounts of the active ingredients from similar drugs that have been reviewed and approved by the FDA. Healthcare practitioners who knowingly purchase drugs they administer to patients online or through these pharmacy solicitations knowingly risk patient health and injury, and there are many tragic stories of unfavorable patient outcomes that support this. Additionally, unscrupulous physicians may feel there is less likelihood of being caught with unapproved products if those products can be reconstituted outside the presence of

the patient. Global drug companies such as Allergan are often subject to criticism when illegal product comes into the US that is not FDA approved. While we consistently refer complaints from our customers who are targeted from solicitation from these online/Canadian pharmacies to the FDA Office of Criminal Investigations, there is a resources issue at the federal level. Over the years, Allergan has invested significantly in the monitoring of such illegal activities and actively works with the Federal government to protect the drug supply and shut down illegal importers or counterfeiters. However, we are a pharmaceutical/biologic manufacturer, not an enforcement agency, and therefore our actions are of limited impact. This issue needs state attention and support.

Allergan believes the best way to start ensuring the safety of the healthcare practitioner drug supply is by passing H.B. No. 6444.

Thank you for allowing my testimony today.

Delman Lebel

Director of State Government

Allergan, Inc.