Appropriations Committee

MEETING MINUTES

Monday, May 20, 2019

10:00 AM in Room 2C of the LOB

The meeting was called to order at 10:02AM by Chairman, Rep. Walker T. 093.

The following committee members were present:

Senators: Bradley D. S23; Daugherty Abrams M. S13; Flexer M. S29; Formica P. S20; Hartley J. S15; Kushner J. S24; Lesser M. S09; Miner C. S30; Osten C. S19; Somers H. S18; Winfield G. S10

Representatives: Abercrombie C. 083; Baker A. 124; Betts W. 078; Candelaria J. 095; Case J. 063; Currey J. 011; Dathan L. 142; Dauphinais A. 044; Dillon P. 092; DiMassa M. 116; Felipe A. 130; France M. 042; Gibson B. 015; Gilchrest J. 018; Gonzalez M. 003; Haddad G. 054; Hall C. 059; Horn M. 064; Johnson S. 049; Kokoruda N. 101; Lavielle G. 143; Mastrofrancesco G. 080; McCarty K. 038; Nolan A. 039; Pavalock-D'Amato C. 077; Perone C. 137; Petit W. 022; Porter R. 094; Reyes G. 075; Rosario C. 128; Rotella K. 043; Ryan K. 139; Simanski B. 062; Simms T. 140; Tercyak P. 026; Walker T. 093; Wilson D. 066; Zawistowski T. 061; Zupkus L. 089

Absent were:

Senators:

Representatives: Bolinsky M. 106

Note: Representative Bolinsky was absent due to illness

Representative Walker immediately recessed the meeting for caucus.

Representative Walker reconvened the meeting at 10:37AM.
Representative Walker entertained a motion for a JF on S.B. No. 48 (COMM) (File No. 438) AN ACT REQUIRING MANUFACTURERS OF BRAND NAME PRESCRIPTION DRUGS TO PROVIDE SAMPLES OF SUCH DRUGS TO MANUFACTURERS OF GENERIC PRESCRIPTION DRUGS. HCal: 0 SCal: 207 5/17/2019 Referred by Senate to Committee on Appropriations (PH,GL,GL,JUD). A motion was made by Representative Dathan and seconded by Representative DiMassa.

Senator Lesser explained the fiscal note of the bill. He stated that they are working with the Department of Consumer Protection to strike the associated fiscal note. He urged members to support it.

Senator Formica asked if the bill requires manufacturers or developers of prescription drugs to make them available to generic companies so they can analyze the drugs and take them to market without having the cost to develop the drug to get it to market.

Senator Lesser stated that would not be correct because it doesn’t allow anyone to give anything to anybody and it only covers prescription drugs currently not protected by patents.

Senator Formica stated his concerns for the bill and that he had an amendment to address those concerns.

Representative Walker asked Senator Formica if he was speaking on the content of the bill when they should be discussing the fiscal note.

Senator Formica stated that he believes the fiscal note of this bill would be drug manufacturers leaving the state. He also stated there was no screening and his questions could have been asked there.

Senator Miner stated that his understanding of the bill is that upon bringing the drug to market, the producer would be obligated to make available to generic drug companies a quantity of the drug and the company would have to pay, at a market rate wholesale price, that may include that fraction of the R&D cost that would be included for each pill.

Senator Lesser stated that this is for products of patents that have expired and it is a policy of the Food and Drug Administration to push for competition by generic manufacturers. He also stated he has spoken to drug manufacturers and they do not oppose the bill.

Senator Miner stated that he cannot see in the language where is says after the patent has expired. He spoke on the fiscal note and Sections B and C and explained the uncalled amendment.

Senator Formica asked if Senator Lesser could give more clarification on Senator Miner’s questions.

Senator Lesser stated that they cannot supersede Federal law.

Senator Formica stated he would not be putting the amendment forward today and would be voting “no”.
Senator Formica asked the Office of Legislative Research analyst if his understanding of the bill is correct and if there would be a need to hire an attorney for this fiscal note.

Duke Chen of OLR stated that Senator Formica’s concerns could happen but it would be a manufacturer’s decision.

Representative Petit asked if there is Federal legislation on this, why is there a need to spend money to do what the Federal government is already doing.

Duke Chen stated they have not done extensive research on that.

Representative Lavielle asked why there would be anticipation that there would be a violation of the Connecticut Unfair Trade Practice laws.

Senator Lesser stated he doesn’t know why a pharmaceutical manufacture would break the law, but the Office of Fiscal Analysis contemplates that there might be a possibility of this.

Representative Lavielle asked how the whole sale price is determined.

Senator Lesser stated he is unsure how it is determined, but believes it is a business decision.

Representative Lavielle stated her concerns about the bill and that she would be voting no.

Representative McCarty asked how the cost for the attorney was determined.

Senator Lesser stated he is unsure how OFA calculated the cost.

Neil Ayers from OFA stated that this is a potential cost and that should violations occur, it is the cost of one additional attorney at the agency and fringe benefits.

Representative Dillon stated her concerns with the bill and she may have to pass on voting for the bill.

Representative Case asked if the fiscal note was included in the budget.

Representative Walker stated currently it is not.

Representative Case stated his concerns with the bill.

Representative Mastrofrancesco asked if the raise from FY 20 to FY 21 was for the salary and the attorney only.

Senator Lesser stated that it is.

Representative Mastrofrancesco asked if the raise from $104,000 to $110,000 is an anticipation of a raise.

Senator Lesser stated he believes the position would be covered by a bargaining contract and those raises would be associated with that contract.
Senator Miner stated his concerns with the bill and that today he is opposed to the bill.

Representative Walker asked the administrator to call the roll.

During the calling of the roll, Senator Miner asked if the House had been called into session.

Representative Walker stated asked staff to ascertain if the House was called into session. She then stated the Committee would stand at ease

Representative Walker called the meeting back to order and stated that the House had been called into session and she would need to recess the committee meeting and reconvene when the House goes into recess after the call.

Senor Miner asked about the roll call vote.

Representative Walker stated she is going to get the ruling from the attorney and let everyone know.

Senator Formica asked to be kept abreast of the legal ruling of what happens with the bills being heard today.

Representative Walker recessed the meeting at 11:15AM.

The meeting was deemed adjourned at 11:11AM when the House of Representatives went into session.

Susan Keane
Administrator

Greg Castelli
Committee Clerk