General Law Committee
JOINT FAVORABLE REPORT

Bill No.: SB-262
Title: AN ACT REQUIRING MANUFACTURERS OF BRAND NAME PRESCRIPTION DRUGS TO PROVIDE SAMPLES OF SUCH DRUGS TO MANUFACTURERS OF GENERIC PRESCRIPTION DRUGS.
Vote Date: 2/16/2021
Vote Action: Joint Favorable
PH Date: 1/28/2021
File No.: 12

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SPONSORS OF BILL:

General Law Committee

REASONS FOR BILL:

To define "eligible product developer" as a person that plans to seek drug or biological product approval under provisions of the FDCA or PHSA. Requires state-registered drug manufacturers and wholesalers to make drugs distributed in the state available for sale to these developers without restrictions on the reference sample sales.

RESPONSE FROM ADMINISTRATION/AGENCY:

None

NATURE AND SOURCES OF SUPPORT:

Senator Martin M. Looney supports the drug. The bill requires brand name pharmaceutical manufactures in the state to comply with federal law and make their samples available to the generic and biosimilar developers. The bill would allow the Attorney General to bring legal action against those manufacturers that do not comply. The bill does not require the brand manufacture provide the samples at no cost but at a fair market value.

NATURE AND SOURCES OF OPPOSITION:

Biotechnology Innovative Organization opposes the bill. As the largest trade association representing biotechnology companies this legislation would require a manufacturer or

wholesaler of prescription drugs to provide samples. The bill would pose potential legal complications under the Prescription Drug Marketing (PDMA).

Pharmaceutical Research and Manufacturers of America opposes the bill The bill would require manufactures of branded medicines to provide products to another drug or geologic manufactures which is duplicative of and in conflict with recently enacted federal laws. Because of existing statutory and regulatory federal framework state law is unnecessary.

Reported by: Pamela Bianca **Date: March 1, 2021**