

SENATE RESOLUTION No. 112

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 22, 2021

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Urges Biden Administration to lift regulatory freeze on executive orders designed to reduce cost of life-saving prescription drugs for Americans.

CURRENT VERSION OF TEXT

As introduced.



1 **A SENATE RESOLUTION** urging the Biden Administration to lift the
2 regulatory freeze on executive orders designed to reduce the cost
3 of life-saving prescription drugs for Americans.
4

5 **WHEREAS**, On July 24, 2020, President Donald J. Trump issued
6 executive orders designed to significantly lower the price of life-
7 saving prescription drugs for Americans, including drugs such as
8 insulin and epinephrine; and

9 **WHEREAS**, According to the U.S. Department of Health and Human
10 Services, President Trump’s executive orders would “[e]nd a
11 shadowy system of kickbacks by middlemen that lurks behind the
12 high out-of-pocket costs many Americans face at the pharmacy
13 counter,” and would provide Americans more options on
14 purchasing the drugs; and

15 **WHEREAS**, As President Trump signed the executive orders, he stated,
16 “[t]he four orders I’m signing today will be on the prescription drug
17 market in terms of pricing and everything else to make these
18 medications affordable and accessible for all Americans.” “The
19 first order will require federal community health centers to pass the
20 giant discounts they received from drug companies on insulin and
21 EpiPens directly to their patients”; and

22 **WHEREAS**, President Trump added, “the price of insulin for affected
23 patients will come down to just pennies a day, pennies a day from
24 numbers that you weren’t even able to think about. It’s a massive
25 cost savings.” Providers “should not be receiving discounts for
26 themselves while charging their poorest patients massive full
27 prices,” said President Trump; and

28 **WHEREAS**, President Trump explained that his executive orders would
29 allow states, wholesalers, and pharmacies to offer “safe and legal
30 importation of prescription drugs from Canada and other countries
31 where the price for the identical drug is incredibly lower”; and

32 **WHEREAS**, Referencing his fourth executive order, President Trump
33 stated, “[f]or decades our citizens have paid the highest prices for
34 drugs, prescription drugs, anywhere in the world (...) foreign
35 nations have paid vastly less for the exact same drug again and the
36 exact same box from the exact same plant, from the exact same
37 company.” “This means that Americans are funding the enormous
38 cost of drug research and development for the entire planet,” said
39 President Trump”; and

40 **WHEREAS**, According to the U.S. Department of Health and Human
41 Services, under President Trump’s executive orders: American
42 seniors would receive discounts in Medicare Part D; federally
43 qualified health centers who purchase insulin and epinephrine
44 would pass savings from discounted drug prices directly on to
45 medically underserved patients, thus increasing access to life-
46 saving insulin and epinephrine for patients who face especially high
47 costs and who are uninsured; a rule allowing states to develop safe
48 importation plans for certain prescription drugs would be finalized;

1 the re-importation of insulin products made in the United States, if
 2 re-importation is required for emergency medical care, would be
 3 authorized; a pathway would be created for safe personal
 4 importation through the use of individual waivers to purchase drugs
 5 at lower cost from pre-authorized domestic pharmacies; and actions
 6 would be taken to ensure that Medicare and seniors pay no more for
 7 Medicare Part B drugs than is paid in any economically comparable
 8 nation, thus ending foreign reliance on American taxpayer and
 9 American pharmaceutical funding and investments to keep the price
 10 of their prescription drugs artificially low; and

11 **WHEREAS**, On January 20, 2021, the Biden Administration announced
 12 a regulatory freeze on the implementation of President Trump's
 13 executive orders; and

14 **WHEREAS**, By delaying in the implementation of President Trump's
 15 executive orders, millions of Americans who need prescription
 16 drugs, such as insulin and epinephrine, are placed in peril, including
 17 seniors, the impoverished, and the uninsured; and

18 **WHEREAS**, It is altogether fitting and proper for this House to urge the
 19 Biden Administration to immediately implement the provisions of
 20 President Trump's executive orders to ensure that foreign nations
 21 pay their fair share for the cost of prescription drugs and to protect
 22 the sick and less fortunate among us by lowering the cost of life-
 23 saving prescription drugs for Americans; now, therefore,

24
 25 **BE IT RESOLVED** *by the Senate of the State of New Jersey:*

26
 27 1. The Senate of the State of New Jersey respectfully urges the
 28 Biden Administration to implement President Trump's Executive
 29 Orders Nos. 13937, 13838, 13939, and 13947 of 2020, to lower the
 30 cost of overpriced prescription drugs for millions of Americans who
 31 are struggling to pay for these life-saving drugs.

32
 33 2. Copies of this resolution, as filed with the Secretary of State,
 34 shall be transmitted to the President of the United States, the
 35 Secretary of the U.S. Department of Health and Human Services,
 36 the Majority Leader of the United States Senate, the Speaker of the
 37 United States House of Representatives, and to each member of
 38 Congress elected from this State.

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41 STATEMENT

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 43 This resolution urges the Biden Administration to lift the
 44 regulatory freeze on executive orders that were designed to reduce
 45 the cost of life-saving prescription drugs for Americans.

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 47 orders designed to significantly lower the price of life-saving
 48 prescription drugs for Americans, such as insulin and epinephrine.

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