

115TH CONGRESS
2D SESSION

H. CON. RES. 146

Expressing the sense of Congress on the need to inform American consumers with more balanced purchasing information for prescription drugs through the disclosure of price information in direct-to-consumer (DTC) advertisements.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2018

Mr. BURGESS submitted the following concurrent resolution; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

CONCURRENT RESOLUTION

Expressing the sense of Congress on the need to inform American consumers with more balanced purchasing information for prescription drugs through the disclosure of price information in direct-to-consumer (DTC) advertisements.

Whereas, on June 13, 2017, the U.S. Senate Committee on Health, Education, Labor, and Pensions held a hearing entitled, “The Cost of Prescription Drugs: How the Drug Delivery System Affects What Patients Pay”;

Whereas, on October 17, 2017, the U.S. Senate Committee on Health, Education, Labor, and Pensions held a hearing entitled, “The Cost of Prescription Drugs: How the

Drug Delivery System Affects What Patients Pay, Part II”;

Whereas, on December 12, 2017, the U.S. Senate Committee on Health, Education, Labor, and Pensions held a hearing entitled, “The Cost of Prescription Drugs: An Examination of The National Academies of Sciences, Engineering, and Medicine Report ‘Making Medicines Affordable: A National Imperative’”;

Whereas, on December 13, 2017, the U.S. House of Representatives Committee on Energy and Commerce, Subcommittee on Health, held a hearing on “Examining the Drug Supply Chain”;

Whereas, on May 11, 2018, President Donald Trump and Health and Human Services Secretary Alex Azar introduced the American Patients First blueprint to bring down prescription drug prices;

Whereas American patients deserve more transparency and information to better position them to be well-informed participants in their health care decision making as they consult with their physician or other licensed health care practitioner;

Whereas the Centers for Medicare & Medicaid Services is the single largest payor for drugs in the United States;

Whereas, in 2016, the Centers for Medicare & Medicaid Services and its beneficiaries spent over \$174 billion on drugs covered under Parts B and D, and \$64 billion on drugs covered under Medicaid, for a total of more than \$238 billion for prescription drugs;

Whereas, in 2017, drug manufacturers spent over \$5.5 billion on prescription drug advertising of which nearly \$4.2 billion was spent on television advertising; and

Whereas the ten most commonly advertised drugs have list prices ranging from \$535 to \$11,000 per month or usual course of therapy: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) the efficient administration of both Medi-
4 care and Medicaid encompasses Federal efforts to
5 achieve good value for funds spent in the Medicare
6 and Medicaid programs;

7 (2) it has directed the Department of Health
8 and Human Services to operate Medicare and Med-
9 icaid programs efficiently;

10 (3) the Department of Health and Human
11 Services has the authority to require direct-to-con-
12 sumer (DTC) television advertisements of prescrip-
13 tion drugs and biological products to include the
14 Wholesale Acquisition Cost (WAC, or “list price”) of
15 that drug or biological product under sections 1102
16 and 1871 of the Social Security Act; and

17 (4) the proposed rule by the Department of
18 Health and Human Services, through the Centers
19 for Medicare & Medicaid Services, published in the
20 Federal Register on October 18, 2018, when final-
21 ized shall be codified without change.

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