

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. CON. RES. 75

Expressing the sense of the Congress that the illegal importation of prescription drugs severely undermines the regulatory protections afforded to United States consumers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. MEEKS of New York 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

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## CONCURRENT RESOLUTION

Expressing the sense of the Congress that the illegal importation of prescription drugs severely undermines the regulatory protections afforded to United States consumers, and for other purposes.

Whereas restrictive foreign price controls artificially lower the cost of prescription drugs in other countries, motivating United States consumers to purchase these drugs illegally from Canada and other foreign countries;

Whereas many health experts have concluded that the illegal importation of prescription drugs will increase the flow of counterfeit drugs, cheap foreign copies of drugs approved by the Food and Drug Administration, expired and con-

taminated drugs, and drugs stored under inappropriate and unsafe conditions;

Whereas recent public opinion polls show that Americans overwhelmingly think that there are numerous safety concerns about drugs being brought into the country that are not subject to the same safety standards United States consumers are accustomed to;

Whereas the illegal importation of prescription drugs severs the pharmacist-patient relationship;

Whereas the illegal importation of prescription drugs undermines the important doctor-patient relationship and ignores the crucial medical history of the patient;

Whereas the illegal importation of prescription drugs has caused and will continue to cause severe medical complications and life-threatening conditions;

Whereas the illegal importation of prescription drugs increases safety concerns that have been voiced by numerous Federal officials (including 2 former Secretaries of Health and Human Services and 10 former Food and Drug Commissioners), the United States Custom Service, the Drug Enforcement Administration, and the Centers for Medicare & Medicaid Services;

Whereas safe and effective medication management by pharmacists is enormously compromised when prescription drugs are treated as just another retail commodity, as opposed to powerful medications that cure illnesses;

Whereas United States consumers are unlikely to save money from the illegal importation of prescription drugs because the intended cost-savings will be absorbed by fees charged by exporters and foreign pharmacists, but United States

consumers will certainly bear all the risks of these drugs with unknown origins;

Whereas Canada's Patented Medicine Pricing Review Board sets artificial price controls on new, innovative prescription drugs that have a negative economic impact on United States consumers and the United States pharmaceutical industry;

Whereas Canada's Patented Medicine Pricing Review Board, from an international trade perspective, undermines the goals of the North American Free Trade Agreement and shifts the entire burden of funding future research and development costs onto United States consumers;

Whereas a December 2004 study on pharmaceutical price controls by the Department of Commerce, International Trade Administration, found that United States consumers would benefit from the elimination of foreign price controls;

Whereas the study was mandated under section 1123 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173);

Whereas a December 2004 report by the Health and Human Services task force on drug importation found that when consumers order prescription drugs over the Internet from international sources, they generally receive drugs that do not have regulatory assurances of equivalence to products of the United States or safety and security in the distribution process;

Whereas because over 50 percent of all prescriptions in the United States are filled by generic drugs and on average generic drugs are priced 50 percent cheaper in the United States, consumers will not necessarily save money

by purchasing medicines from Canada or other foreign countries; and

Whereas despite significant efforts, including joint efforts with United States Customs and Border Protection and import alerts or bulletins, the Food and Drug Administration currently does not have sufficient resources to ensure adequate inspection of current levels and categories of personal shipments of prescription drugs entering the United States: Now, therefore, be it

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

3           (1) the illegal importation of prescription drugs  
4       severely undermines the regulatory protections af-  
5       forded to United States consumers;

6           (2) the President should take appropriate ac-  
7       tion to prevent the illegal importation of prescription  
8       drugs from Canada or any other foreign country as  
9       a matter of national security and consumer protec-  
10      tion;

11          (3) the United States Trade Representative  
12      should take immediate action to correct the inequi-  
13      ties and discrimination caused by Canada's Patented  
14      Medicine Pricing Review Board;

15          (4) the pharmaceutical industry and the health  
16      care community should begin a nationwide edu-  
17      cational awareness program for United States con-  
18      sumers regarding the dangers of imported drugs;

1           (5) the pharmaceutical industry and the health  
2           care community should work to ensure that all citi-  
3           zens have access to prescription drugs with the same  
4           level of safety and efficacy guaranteed under the  
5           current system of regulation;

6           (6) it is essential that United States patients  
7           have access to affordable prescriptions drugs;

8           (7) total savings to consumers from legalized  
9           drug importation under a commercial system would  
10          be small relative to total drug spending in the  
11          United States, about 1 to 2 percent;

12          (8) importation of drugs could result in between  
13          4 to 18 fewer new drugs being introduced per dec-  
14          ade at a substantial cost to society; and

15          (9) deregulating foreign prices would increase  
16          the flow of new drugs to consumers in the United  
17          States.

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