



Three Senators Urge Health and Human Services Secretary to Use Statutory Authority to Allow Drugs from Canada

On Feb. 14, Sens. Charles Grassley, R-Iowa, John McCain, R-Ariz., and Amy Klobuchar, D-Minn., issued a letter to Health and Human Services Secretary Tom Price requesting that he take action to allow importation of prescription drugs from Canada under certain circumstances. Specifically, the Senators urge Secretary Price to use statutory authority granted by the Medicare Prescription Drug Improvement and Modernization Act of 2003 to permit pharmacists, wholesale retailers and in some cases, individuals to import drugs from Canada in the following circumstances:

- The drug is off patent or no longer marketed in the U.S. by the innovator company.
- The drug is subject to a significant and unexplained price increase.
- The drug does not have a direct competitor currently on the market.
- The drug is produced in another country by the original name-brand manufacturer or by a well-known generic manufacturer.

In addition, the Senators' letter indicates that Secretary Price should work to fast-track the Food and Drug Administration approval process for competitors to these drugs.

If you have any questions regarding this Sidley Update, please contact the Sidley lawyer with whom you usually work or

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