Montana State Legislature

Exhibit Number: 8

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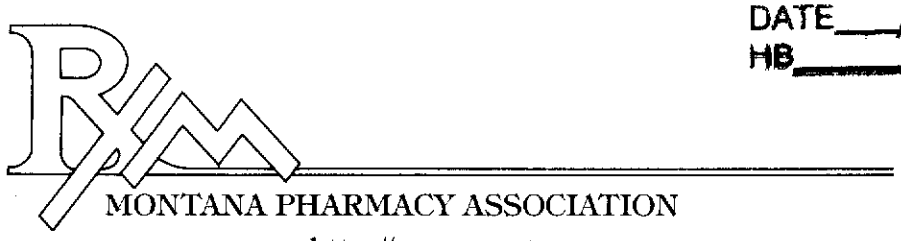
EXHIBIT 8
DATE 1-27-05
HB 364



MONTANA PHARMACY ASSOCIATION
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January 26, 2005

House Bill 364
Testimony of the Montana Pharmacy Association

Members of this Association have struggled with the issue of importation and reimportation of prescription drugs, from Canada or other industrialized nations.

•In 2003 the Association's membership adopted the following Resolution:

Resolution 2003-20. MPA Resolution on Medication Safety and Importation of Prescription Drugs. Introduced by Randy Kuiper, Pharm. D.

WHEREAS, the United States Food and Drug Administration is responsible for ensuring that the integrity of the United States drug supply is maintained, and;

WHEREAS, the United States Food and Drug Administration is opposed to the importation of prescription drug products from Canada and other foreign countries due to possible compromise in the integrity of the drugs imported, and;

WHEREAS, compromised drug products can result in patient harm;

BE IT RESOLVED, that due to patient safety concerns, the Montana Pharmacy Association opposes the illegal importation of prescription drug products from Canada and other foreign countries by patients for personal use.

Action by Membership:_PASSED_____.

•Everybody asks to see where all the patients are that are being harmed by counterfeit medications. We would argue that we are not in tune with looking for it. When a hypertensive patient shows up in our Emergency Department after having suffered a stroke, no one normally asks if their blood pressure medication may be fake. In Europe, this is one of the first things they suspect. In our country, we think first of compliance issues or a natural progression of the disease state. Just because the data has not been collected doesn't mean the problem may not exist.

•What recourse would a Montana patient have who is injured by the negligence of a foreign pharmacist? Most of these operations mandate that the patient sign a waiver absolving the foreign operation of any liability. Is "Buyer Beware" about to become the new standard for public health and safety?

•Montana pharmacies are small businesses that are an integral aspect of both our state's economy and our state's health care delivery system. In some communities in Montana, the pharmacy is a primary source of healthcare.

•The federal government passed the Medicare Modernization Act in December of 2004. Medicare Part D, prescription drugs, that becomes effective in January, 2006. This will help to address the very real issue of cost and affordability of prescription medications for seniors.

•When and If the federal government allows the importation of prescription medications from Canada, or any other foreign nations, this Association would be much more comfortable supporting bills like HB 364.

•To date, neither HHS Secretary Donna Shalala (appointed by President Clinton) nor HHS Secretary Tommy Thompson (appointed by President Bush) has been willing to certify--by their signature--that drugs imported from Canada meet U.S. Food and Drug Administration standards for safety.

•Attached to this testimony are two letters from several U.S. Governors: one to the Prime Minister of Canada; and the other to our own U.S. Congressional leadership.

•Also attached to this testimony is the Policy statement of the American Society of Health System Pharmacists on the issue of importation.

January 19, 2005
Taken from the Governor of Minnesota's Website.

Saint Paul -- Governor Tim Pawlenty today spearheaded an effort to send a letter to Congress from ten governors and a letter to Canadian Prime Minister Paul Martin from six governors on the prescription drug issues. The letter to Congress urges passage of comprehensive legislation to allow importation from Canada. The letter to Prime Minister Martin requests a meeting between the six governors and the Prime Minister to discuss the importation issue.

The following is the text of the governors' letters:
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January 19, 2005
The Right Honourable Paul Martin
Prime Minister of Canada

Dear Prime Minister Martin:
We are writing to request a meeting with you at your earliest convenience to discuss the importance of the free flow of prescription drug medications between the United States and Canada.

Recent press reports, including statements from Health Minister Ujjal Dosanjh, indicate the Canadian Government may impose restrictions on supplies of vital prescription drug medications to the United States starting as early as the next few weeks. Such action by the Canadian government would have a detrimental effect on the health and livelihood of many of our citizens who depend on the accessibility of those medications.

As you know, Americans are charged dramatically more for prescription drug medicines than consumers in other industrialized nations including Canada. The unbalanced cost of prescription medicines in the United States is a contributing factor in America's health care crisis and puts needed medicine out of the financial reach of far too many seniors and other Americans. While we understand Canadian concerns about becoming the "drugstore" for the United States, we believe it is imperative that the Canadian government realize that the restriction of prescription drug supplies could mean the difference between life and death for many Americans, many of whom are residents of our states.

Mr. Prime Minister, our states and Canada cooperate on various levels -- including the protection of our shared natural resources, billions of dollars worth of trade of goods and services, border security and other issues. We are certain that we can find a way to cooperate on the trade of prescription medicines for our citizens as well.

Thank you for your consideration. We hope to visit you soon in Ottawa.

Sincerely,

Governor Tim Pawlenty, Minnesota
Governor Jim Doyle, Wisconsin
Governor Jon Huntsman, Jr., Utah
Governor Kathleen Sebelius, Kansas
Governor John Baldacci, Maine
Governor John Hoeven, North Dakota
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January 18, 2005

Senator Bill Frist
Senator Harry Reid
Representative J. Dennis Hastert
Representative Nancy Pelosi

Dear Honorable Members:

We are writing to urge passage of comprehensive legislation during the first session of the 109th Congress that would allow importation of lower priced prescription medicine from safe and reputable sources in Canada and other industrialized nations.
As you know, Americans are often charged dramatically more for prescription medicines than consumers in other industrialized countries. The unbalanced cost of prescription medicines in the United States is a contributing factor in America's health care crisis and puts needed medicine out of the financial reach of far too many seniors and other Americans.

Each of us has taken steps in our respective states to address the escalating costs of prescription medicines. While our approaches to reduce the cost burden to our constituents may vary, we agree that one way to deliver meaningful cost relief is through federal legislation that would establish a safe and well-regulated system for importation of medicines from Canada and other selected nations. We also agree that it is crucial that federal legislation prevent potential loopholes that could allow the pharmaceutical industry to cut-off supplies from participating nations or otherwise thwart importation efforts.

We have taken steps at the state level, but need your assistance at the national level. Importation offers a viable, market-based option to provide Americans access to safe and affordable prescription medicines. On behalf of our constituents, we ask you for your leadership in assuring that importation reaches a vote in Congress during the first session of the 109th Congress.

Sincerely,

Governor Tim Pawlenty, Minnesota
Governor Jim Doyle, Wisconsin
Governor Kathleen Sebelius, Kansas
Governor Rod Blagojevich, Illinois
Governor Jim Douglas, Vermont
Governor Thomas J. Vilsack, Iowa
Governor John Hoeven, North Dakota
Governor Jon Huntsman Jr., Utah
Governor John Baldacci, Maine
Governor Brian Schweitzer, Montana