



February 21, 2019

The Honorable Andrea Salinas, Chair
House Health Care Committee
900 Court St NE
Salem, OR 97301

Dear Representative Salinas:

The Biotechnology Innovation Organization (BIO) respectfully opposes HB 2961, which would require a biopharmaceutical manufacturer to disclose the wholesale price of a prescription drug in any advertisements. This bill would not provide most consumers with meaningful information and we have concerns with this bill's attempt to regulate speech.

The wholesale cost of a prescription drug is not meaningful information to most consumers. Patients with health coverage pay out-of-pocket costs determined by their health insurer, which may be a set copayment or a percentage coinsurance. Providing a drug's wholesale price on advertisements could mislead consumers into believing their costs are greater than reality.

We also believe this bill attempts an unlawful regulation of commercial free speech, protected by the US Constitution and upheld by the Courts time and again. Additionally, most advertisements are nationally produced and unable to be tailored to a single state law. Biopharmaceutical manufacturers must comply with detailed requirements from the federal Food and Drug Administration, and a web of state-based requirements would be difficult for our members to comply with.

For these reasons, we respectfully request your "no" vote on HB 2658.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brian Warren', is written over a light blue horizontal line.

Brian Warren
Director, State Government Affairs

cc: Members, House Health Care Committee