HDA
Healthcare Distribution Alliance
HEALTH DELIVERED

January 30, 2024

Honorable Representative Donovan, Chair
House Human Services Committee
Rhode Island State House of Representatives
82 Smith St, Providence, RI 02903

HDA OPPOSED AS DRAFTED - Amendment Request for H.7041-Prescription Drug Sale Representatives Act

Dear Chair Donavan:

On behalf of the Healthcare Distribution Alliance (HDA), the national trade association representing the nation's primary pharmaceutical wholesale distributors, I am writing to request a definition clarification which would better advance the goals of **H.7041**, proposed legislation regarding the registration of prescription drug sales representatives.

HDA members serve as the vital link between the nation's pharmaceutical manufacturers and pharmacies, hospitals, long-term care facilities, clinics, and others nationwide, including over 150 such customers in Rhode Island. HDA members work around the clock to ship nearly 15 million healthcare products (medicines, medical supplies, durable medical equipment, etc.) daily to keep these sites of care stocked with the medications and products they need to treat and serve patients.

H.7041 seeks to require prescription drug manufacturers to file a detailed, updated list of each pharmaceutical sales representative engaged by the manufacturer "to increase sales by persuading providers to prescribe certain drugs". In order to ensure that the state achieve this goal, HDA requests that the definition of manufacturer included in the section 5-19.3-2 of the legislation be further clarified as follows:

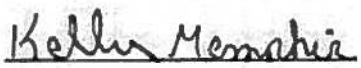
> "Manufacturer" means a pharmaceutical, biological product, or medical device manufacturer or any other person who is engaged in the production, preparation, propagation, compounding, processing, marketing, packaging, ~~repacking, distributing, or labeling~~ of prescribed products. The term does not include a wholesale distributor ~~of biological products~~, a retailer, or a pharmacist. The term also does not include a manufacturer whose only prescribed products are classified as Class I by the U.S. Food and Drug Administration, are exempt from pre-market notification under Section 510(k) of the federal Food, Drug and Cosmetic Act, and are sold over13 the-counter without a prescription.

We request these clarifications so that the bill reflects the fact that wholesale distributors, including those who in some limited cases repack/relabel, handle a variety of pharmaceutical drugs beyond biological products, as well as other vital medical supplies such as PPE. However, wholesale distributors do not utilize "pharmaceutical representatives to increase sales by persuading providers to prescribe certain drugs". Therefore, this definition clarification will ensure that the state is able to achieve the goals of the legislation without having a superfluous supply chain entity unintentionally getting caught up in irrelevant reporting requirements. Additionally, we request that "market" also be defined.

Thank you for your time and consideration of this request. Please contact Kelly Memphis at kmemphis@hda.org if you have any questions or would like to discuss this further.

Sincerely,

Kelly Memphis



Director, State Government Affairs
Healthcare Distribution Alliance

CC: Members of the House Health and Human Services Committee