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March 11, 2025

The Honorable Robert E. Craven, Sr., Chair
House Committee on Judiciary
State House
82 Smith St.
Providence, RI 02903

RE: H 5913 – An Act Relating to Health and Safety -- Preserving Access to Affordable Drugs

Dear Chair Craven:

Please accept this letter regarding H 5913, legislation that would provide that an agreement resolving or settling, on a final or interim basis, a patent infringement claim, in connection with the sale of a pharmaceutical product, is to be presumed to have anticompetitive effects if a non-reference drug filer receives anything of value, as defined, from another company asserting patent infringement and if the non-reference drug filer agrees to limit or forego research, development, manufacturing, marketing, or sales of the non-reference drug filer's product for any period of time, as specified.

The act would provide various exceptions to this prohibition, including, among others, if the agreement has directly generated pro-competitive benefits and the pro-competitive benefits of the agreement outweigh the anti-competitive effects of the agreement. The act would make a violation of these provisions punishable by a civil penalty that is recoverable only in a civil action brought by the Attorney General, as specified. This act would take effect upon passage.

The sole legislative purpose of the State's pharmacies statute is to ensure that every pharmacy and pharmacist practicing in the State meets minimum standards for safe practice (See: [RIGL 5-19.1-1](#)). Neither the Rhode Island Department of Health (RIDOH) nor the State Board of Pharmacy have the expertise to address issues related to patent infringement claims. It is for this reason that RIDOH believes that this legislation would be more appropriately located in Chapter 9 of Title 42 of the R.I. Gen. Laws entitled *Department of the Attorney General* ([RIGL 42-9](#)) rather than creating a new section in Title 23 of the R.I. Gen. Laws entitled "Health and Safety."

Thank you for the opportunity to comment on this legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jerome M. Larkin" followed by "for".

Jerome M. Larkin, MD
Director

CC: The Honorable Jenni A. Furtado
The Honorable Members of the House Committee on Judiciary
Nicole McCarty, Chief Legal Counsel
Lynne Urbani, Director of House Policy