

## HR 1706

Protecting Consumer Access to Generic Drugs Act of 2009

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Commerce

**Introduced:** Mar 25, 2009

**Current Status:** Forwarded by Subcommittee to Full Committee (Amended) by the Yeas and Nays: 16 - 10 .

**Latest Action:** Forwarded by Subcommittee to Full Committee (Amended) by the Yeas and Nays: 16 - 10 . (Jun 3, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/1706>

### Sponsor

**Name:** Rep. Rush, Bobby L. [D-IL-1]

**Party:** Democratic • **State:** IL • **Chamber:** House

### Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. DeGette, Diana [D-CO-1]	D · CO		Mar 25, 2009
Rep. Dingell, John D. [D-MI-15]	D · MI		Mar 25, 2009
Rep. Doyle, Michael F. [D-PA-14]	D · PA		Mar 25, 2009
Rep. Markey, Edward J. [D-MA-7]	D · MA		Mar 25, 2009
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Mar 25, 2009
Rep. Stupak, Bart [D-MI-1]	D · MI		Mar 25, 2009
Rep. Waxman, Henry A. [D-CA-30]	D · CA		Mar 25, 2009
Rep. Watt, Melvin L. [D-NC-12]	D · NC		Sep 17, 2009
Rep. Kilroy, Mary Jo [D-OH-15]	D · OH		Feb 4, 2010

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Reported by	Jun 3, 2009
Judiciary Committee	House	Referred To	Mar 25, 2009

### Subjects & Policy Tags

**Policy Area:**

Commerce

### Related Bills

*No related bills are listed.*

Protecting Consumer Access to Generic Drugs Act of 2009 - Prohibits, as an unfair and deceptive act or practice and an unfair method of competition in or affecting interstate commerce, any person from being a party to any agreement resolving or settling a patent infringement claim in which: (1) an abbreviated new drug (generic) application filer receives anything of value; and (2) such filer agrees not to research, develop, manufacture, market or sell the generic drug. Excludes a resolution or settlement that includes no more than: (1) the right to market the generic drug before the expiration of the patent or other exclusivity period; or (2) the waiver of a patent infringement claim for damages.

Authorizes the Federal Trade Commission (FTC) to exempt agreements in furtherance of market competition and for the benefit of consumers.

Amends the Federal Food, Drug, and Cosmetic Act to provide that a generic drug applicant forfeits market exclusivity for failing to market the drug 75 days after: (1) a court dismisses a declaratory judgment action for lack of subject matter jurisdiction; or (2) the applicant files with the Secretary of Health and Human Services a covenant that the patent owner will not sue the applicant for patent infringement. Deems an applicant to have forfeited market exclusivity if the applicant enters into an agreement that violates this Act.

Amends the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to revise reporting requirements related to agreements between a generic drug applicant and a brand name drug company to include: (1) a description of the subject matter of other agreements between the parties; and (2) a certification that the materials filed represent the complete, final, and exclusive agreement between the parties.

### **Actions Timeline**

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- **Jun 3, 2009:** Subcommittee Consideration and Mark-up Session Held.
- **Jun 3, 2009:** Forwarded by Subcommittee to Full Committee (Amended) by the Yeas and Nays: 16 - 10 .
- **Mar 26, 2009:** Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
- **Mar 25, 2009:** Introduced in House
- **Mar 25, 2009:** Referred to House Energy and Commerce
- **Mar 25, 2009:** Referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Mar 25, 2009:** Referred to House Judiciary