

## S 3622

### Protecting Patients and Hospitals From Price Gouging Act

**Congress:** 112 (2011–2013, Ended)

**Chamber:** Senate

**Policy Area:** Health

**Introduced:** Sep 22, 2012

**Current Status:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

**Latest Action:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Sep 22, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/senate-bill/3622>

### Sponsor

**Name:** Sen. Schumer, Charles E. [D-NY]

**Party:** Democratic • **State:** NY • **Chamber:** Senate

### Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Blumenthal, Richard [D-CT]	D · CT		Sep 22, 2012
Sen. Merkley, Jeff [D-OR]	D · OR		Sep 22, 2012

### Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Sep 22, 2012

### Subjects & Policy Tags

#### Policy Area:

Health

### Related Bills

*No related bills are listed.*

Protecting Patients and Hospitals From Price Gouging Act - Authorizes the President to issue an executive order declaring a market shortage for six months with regard to one or more vital drugs if the total supply of all clinically interchangeable versions of a drug regulated by the Food and Drug Administration (FDA) is inadequate to meet the current or projected demand at the user level.

Defines a "vital drug" as any drug or biologic used to prevent or treat a serious or life-threatening disease or medical condition, for which there is no other available source with sufficient supply available.

Makes it unlawful, when the President issues such an executive order, for any person to sell vital drugs at a price that: (1) is unreasonably excessive, and (2) indicates that the seller is taking unfair advantage of the circumstances related to a market shortage to increase prices unreasonably during that period.

Gives the Attorney General authority to enforce penalties under this Act.

Makes any person who sells, or offers to sell, any vital drug during a declared market shortage with the knowledge and intent to charge a price unreasonably excessive under the circumstances guilty of an offense and subject to injunction and penalties. Applies such sanctions, except to a hospital or a physician, in the geographical area where the vital drug market shortage has been declared and to all wholesalers and distributors in the chain of distribution.

Sets forth factors for the Attorney General to consider in determining whether an alleged violator's price was unreasonably excessive.

Makes a declaration under this Act terminate if: (1) there is enacted a law terminating the market shortage after a national market shortage is declared, or (2) the President issues a proclamation terminating the declaration. Authorizes the President to renew such a market shortage declaration if the severe shortage continues to affect the health and well-being of citizens beyond the initial six-month period.

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## **Actions Timeline**

- **Sep 22, 2012:** Introduced in Senate
- **Sep 22, 2012:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.