HR 3709

Protecting Consumer Access to Generic Drugs Act of 2013

Congress: 113 (2013–2015, Ended)
Chamber: House
Policy Area: Commerce
Introduced: Dec 11, 2013
Current Status: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.
Latest Action: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet. (Jan 27, 2014)
Official Text: https://www.congress.gov/bill/113th-congress/house-bill/3709

Sponsor

Name: Rep. Rush, Bobby L. [D-IL-1]
Party: Democratic • **State:** IL • **Chamber:** House

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Van Hollen, Chris [D-MD-8]	D · MD		Dec 11, 2013
Rep. Waxman, Henry A. [D-CA-33]	D · CA		Dec 11, 2013
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Dec 12, 2013
Rep. Huffman, Jared [D-CA-2]	D · CA		May 21, 2014
Rep. Shea-Porter, Carol [D-NH-1]	D · NH		Jul 14, 2014

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Dec 13, 2013
Judiciary Committee	House	Referred to	Jan 27, 2014
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Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

No related bills are listed.

Summary (as of Dec 11, 2013)

Protecting Consumer Access to Generic Drugs Act of 2013 - 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 deem 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

- **Jan 27, 2014:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **Jan 27, 2014:** Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.
- **Dec 13, 2013:** Referred to the Subcommittee on Health.
- **Dec 11, 2013:** Introduced in House
- **Dec 11, 2013:** 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.