

## S 1416

Affordable Prescriptions for Patients Act of 2019

**Congress:** 116 (2019–2021, Ended)

**Chamber:** Senate

**Policy Area:** Commerce

**Introduced:** May 9, 2019

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 132.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 132. (Jun 28, 2019)

**Official Text:** <https://www.congress.gov/bill/116th-congress/senate-bill/1416>

### Sponsor

**Name:** Sen. Cornyn, John [R-TX]

**Party:** Republican • **State:** TX • **Chamber:** Senate

### Cosponsors (13 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Blumenthal, Richard [D-CT]	D · CT		May 9, 2019
Sen. Capito, Shelley Moore [R-WV]	R · WV		May 15, 2019
Sen. Murray, Patty [D-WA]	D · WA		May 22, 2019
Sen. Kennedy, John [R-LA]	R · LA		Jun 3, 2019
Sen. Scott, Rick [R-FL]	R · FL		Jun 3, 2019
Sen. Hawley, Josh [R-MO]	R · MO		Jun 4, 2019
Sen. Durbin, Richard J. [D-IL]	D · IL		Jun 26, 2019
Sen. King, Angus S., Jr. [I-ME]	I · ME		Jul 24, 2019
Sen. Smith, Tina [D-MN]	D · MN		Sep 12, 2019
Sen. Peters, Gary C. [D-MI]	D · MI		Sep 25, 2019
Sen. Fischer, Deb [R-NE]	R · NE		Nov 13, 2019
Sen. McSally, Martha [R-AZ]	R · AZ		Nov 13, 2019
Sen. Toomey, Patrick [R-PA]	R · PA		Nov 21, 2019

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Jun 28, 2019

### Subjects & Policy Tags

**Policy Area:**

Commerce

## Related Bills

Bill	Relationship	Last Action
116 HR 5133	Related bill	<b>Dec 24, 2020:</b> Placed on the Union Calendar, Calendar No. 578.
116 HR 3991	Related bill	<b>Nov 21, 2019:</b> Ordered to be Reported (Amended).
116 HR 4398	Related bill	<b>Oct 2, 2019:</b> Referred to the Subcommittee on Antitrust, Commercial, and Administrative Law.

## Summary (as of Jun 28, 2019)

### Affordable Prescriptions for Patients Act of 2019

This bill prohibits product hopping by drug manufacturers. Product hopping is presumed when a drug manufacturer engages in a *hard switch* or a *soft switch*. A hard switch occurs when, after a manufacturer receives notice of an application for a generic drug, either, (1) the manufacturer obtains removal of a drug from the Food and Drug Administration's approved drug list or the drug is moved to the discontinued products list, and the manufacturer markets or sells a follow-on product; or (2) a manufacturer announces the withdrawal or discontinuance of a listed drug, or the manufacturer destroys the inventory of a listed drug in a manner that impedes generic drug competitors, and the manufacturer markets or sells a follow-on product. A *follow-on product* is a changed, modified, or reformulated version of a manufacturer's already-approved drug or biological product that still treats the same medical condition.

A soft switch occurs when a manufacturer receives notice of an application for a generic drug, takes other actions that impede generic drug competitors, and the manufacturer markets or sells a follow-on product.

A drug manufacturer may rebut a presumption of product hopping by demonstrating that its conduct was not intended to limit competition.

This bill also limits the number of patents that may be included in infringement claims brought by approved biological product license holders against applicants for a biosimilar product license.

### Actions Timeline

- **Jun 28, 2019:** Committee on the Judiciary. Reported by Senator Graham with an amendment in the nature of a substitute. Without written report.
- **Jun 28, 2019:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 132.
- **Jun 27, 2019:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **May 9, 2019:** Introduced in Senate
- **May 9, 2019:** Read twice and referred to the Committee on the Judiciary.