HR 4398

Affordable Prescriptions for Patients Through Promoting Competition Act of 2019

Congress: 116 (2019–2021, Ended)
Chamber: House
Policy Area: Commerce
Introduced: Sep 19, 2019
Current Status: Referred to the Subcommittee on Antitrust, Commercial, and Administrative Law.
Latest Action: Referred to the Subcommittee on Antitrust, Commercial, and Administrative Law. (Oct 2, 2019)
Official Text: https://www.congress.gov/bill/116th-congress/house-bill/4398

Sponsor

Name: Rep. Cicilline, David N. [D-RI-1]
Party: Democratic • **State:** RI • **Chamber:** House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Oct 2, 2019

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
116 HR 5133	Related bill	**Dec 24, 2020:** Placed on the Union Calendar, Calendar No. 578.
116 HR 2486	Related bill	**Jul 23, 2020:** Message on House action received in Senate and at desk: House amendments to Senate amendment.
116 S 1416	Related bill	**Jun 28, 2019:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 132.

Summary (as of Sep 19, 2019)

Affordable Prescriptions for Patients Through Promoting Competition Act of 2019

This bill prohibits product hopping by drug manufacturers. Product hopping is presumed when a drug manufacturer engages is a *hard switch* or a *soft switch*. A hard switch occurs when, after a manufacturer receives notice of an application for a generic drugs, 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 drugs, 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.

Actions Timeline

- **Oct 2, 2019:** Referred to the Subcommittee on Antitrust, Commercial, and Administrative Law.
- **Sep 19, 2019:** Introduced in House
- **Sep 19, 2019:** Referred to the House Committee on the Judiciary.