
HR 2853

BLOCKING Act of 2021

Congress: 117 (2021–2023, Ended)

Chamber: House

Policy Area: Health

Introduced: Apr 26, 2021

Current Status: Referred to the Subcommittee on Health.

Latest Action: Referred to the Subcommittee on Health. (Apr 27, 2021)

Official Text: <https://www.congress.gov/bill/117th-congress/house-bill/2853>

Sponsor

Name: Rep. Schrader, Kurt [D-OR-5]

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

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Apr 27, 2021

Subjects & Policy Tags

Policy Area:

Health

Related Bills

No related bills are listed.

Bringing Low-cost Options and Competition while Keeping Incentives for New Generics Act of 2021 or the BLOCKING Act of 2021

This bill modifies provisions related to market exclusivity for a generic drug.

Currently, the Food and Drug Administration (FDA) awards 180 days of exclusivity on the market to a first applicant to file a qualifying application for market approval of a generic drug. Generally, this exclusivity period begins upon a first applicant's commercial marketing of the drug.

The bill authorizes the FDA to approve a subsequent generic drug application prior to a first applicant's first date of commercial marketing if (1) the subsequent application is ready for full approval, (2) a first applicant's application has been pending for at least 30 months, and (3) the approval of a first applicant's application is not precluded by patent infringement claims asserted against that first applicant.

Actions Timeline

- **Apr 27, 2021:** Referred to the Subcommittee on Health.
- **Apr 26, 2021:** Introduced in House
- **Apr 26, 2021:** Referred to the House Committee on Energy and Commerce.

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