

## 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.