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SB 202
Prescription Drug Affordability Board – Upper Payment Limits
Hearing of The Senate Finance Committee
February 8, 2023
1:00 PM

SUPPORT

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Our Health and Benefits Equity Project advocates to protect and expand access to healthcare and safety net services for Marylanders struggling to make ends meet. We support policies and practices that are designed to eliminate economic and racial inequities and enable every Marylander to attain their highest level of health. **PJC strongly supports SB 202**, which would reestablish the Prescription Drug Affordability Board’s authority to set upper payment limits on prescription drug products that are purchased or paid for by or through certain State or local government entities, plans or programs. It would also require the Board to, under certain circumstances draft a plan of action for implementing a process to set upper payment limits for certain prescription drug products.

Many consumers have trouble affording their prescription drugs. Nationwide, approximately 1 in 4 Americans has trouble affording their prescription drugs, even with health insurance.¹ High prescription drug costs are a significant barrier to improving health and maintaining good health for many Marylanders, especially for low-income, under-insured and uninsured consumers and senior consumers with chronic medical conditions. Our healthcare system is not accessible if consumers are put in the position of having to choose between paying for their prescriptions or other necessities, like food and shelter. Without a means to control the increasing costs of prescription drugs, many Marylanders are left unable to follow the treatment recommendations of their physicians and may be at risk of further health complications.

SB 202 would help ensure that Marylanders have access to affordable prescription drugs. The Maryland General Assembly’s groundbreaking passage of the 2019 Prescription Drug Affordability Board law has served as a model for other states and SB 202 seeks to build on this success by strengthening the authority of the Board. SB 202, if passed would restore the Board’s authority to set upper payment limits for certain prescription drugs. The legislation promotes transparency in drug pricing and would help eliminate high prescription drug costs as a barrier to good

¹ Cynthia Cox, *Recent Trends in Prescription Drug Costs*, JAMA Network (2016), <https://jamanetwork.com/journals/jama/fullarticle/2510894>.

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health for Marylanders. While Maryland has made great strides in ensuring more Marylanders can access timely healthcare, we must ensure that consumers can financially afford to follow their physician's recommendations to attain their highest level of health.

Finally, SB 202 promotes stakeholder involvement by requiring collaboration with the Board's stakeholder council on process implementation. It would also outline clear checks and balances on the Board's authority by putting in place an approval process for the Board's plan of action and an appeals process for individuals aggrieved by an upper payment limit set by the Board. Overall, SB 202 is consistent with Maryland's mission to promote the health of all Marylanders through access to care and community engagement.

For these reasons, the Public Justice Center urges the committee to issue a **FAVORABLE** report for **SB 202** to provide relief to Marylanders who cannot afford rising prescription drug costs. If you have any questions about this testimony, please contact Ashley Black at 410-625-9409 ext. 224 or blacka@publicjustice.org.