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CREATES Act will make affordable drugs more accessible for Americans

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The U.S. Senate Judiciary Subcommittee held a hearing on Tuesday to discuss the Creating and Restoring Equal Access to Equivalent Samples (CREATES) Act, S.3056, to increase patient access to affordable drugs.



The Pharmaceutical Care Management Association (PCMA) released a statement following the hearing, saying that if approved, the act would be key in reducing drug costs for Americans by making generics and biosimilar drug alternatives more widely accessible through better regulation of unfair market advantages.

The bipartisan legislation was introduced last week by U.S. Sen. Mike Lee (R-UT), Amy Klobuchar (D-MN), Charles Grassley (R-IA) and Patrick Leahy (D-VT). It was created to prevent brand pharmaceutical companies and manufacturers from abusing risk evaluation and mitigation strategies (REMS) to decrease competition from generics and biosimilar drugs.

REMS abuse is unlawful and, if passed, the legislation could require brand drug manufacturers to provide samples to generic drug manufacturers to better diversify the nation's equivalent drug portfolio. The CREATES Act would also allow judges to award damages to generic drug manufacturers if REMS abuses are found.

The proposed bill is supported by a number of industry organizations, including the Blue Cross Blue Shield Association, Consumers Union, Public Citizen, the Generic Pharmaceutical Association, and the Academy of Managed Care Pharmacy.

PCMA also suggested other measures to address high drug costs, including offering incentives to physicians for prescribing generics and making copay coupons illegal for companies that receive federal subsidies.

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