

Resolution of Patent Protection and Corporation Recovery of Medical Drugs

WHEREAS: To encourage development of medical drugs United States law provides patent protection against competition, to permit drug corporations to recover the cost of research and development of those medical drugs.

WHEREAS: Once those research and development costs have been recovered, that patent protection ensures profit, without price competition, to that corporation, for an extended period of years.

AND WHEREAS: Ensuing costs to the consumer are then arbitrarily set, without competition or any regulatory mechanism. Experience has shown that such prices then become excessive, without relationship to actual manufacturing cost, causing financial hardship and actual medical harm to consumers,

NOW THEREFORE, BE IT RESOLVED that, the actual cost of research and development by the developing corporation be established – not to include contributions to the process by public institutions such as charitable organizations or public University research organizations.

BE IT FURTHER RESOLVED that patent protection be maintained until such research and development costs to the corporation have been recovered. That once those costs have been recovered, patent protection is terminated, and the drug corporation can manufacture the drug product **subject to competition** based on actual production costs, advertising charges and competitive level of profit taking.

BE IT FINALLY RESOLVED, the 45th legislative District Democrats membership adopt this resolution, and forward it to our Congressional Representatives for their action, with special notice to the Progressive Caucus.

Submitted by Carl Schwartz (PCO Sam 45-0536) 45th Legislative District for consideration and adoption at its virtual General membership October 6th, 2021, meeting. (Date Submitted 9/2/2021)