



The ERISA Industry Committee

Driven By and For Large Employers

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James Gelfand, Senior Vice President of Health Policy

September 11, 2018

Dear Senator,

This week, the Senate is expected to vote on S. 2554, the “*Patient Right to Know Drug Prices Act.*” The ERISA Industry Committee (ERIC) urges you to support this bipartisan, commonsense legislation. ERIC is the only national trade association that advocates exclusively for federal, state, and local public policies that support large employers sponsoring health, retirement, and compensation plans.

This bill which passed unanimously in the Senate Health, Education, Labor and Pensions Committee, would ban so-called “gag clauses” in group health plans and individual market health insurance plans. These clauses prevent pharmacists from informing a patient that filling a prescription might be cheaper if the patient pays cash, rather than the negotiated copay under their insurance coverage.

A related bill, S. 2553, the “*Know the Lowest Price Act of 2018,*” which bans these same practices in Medicare Part D and Medicare Advantage plans, passed the Senate by unanimous consent on September 4th. Together, these two bills represent a comprehensive effort to eradicate gag clauses, for everyone.

It is also our understanding that there may be a vote on an amendment by Senator Lee (SA #4011), which could strip these protections from millions of individuals who have health insurance plans that are subject to state regulation. **ERIC urges Senators to oppose this amendment.** Every American, patients and pharmacists alike, should be protected from the deceptive practice of gag clauses, and stripping out protections for those with fully-insured plans would be especially damaging for individuals purchasing coverage on their own, the self-employed, and those who get their insurance through a small business. Now is the time to take comprehensive action, and end gag clauses forever, for everyone.

In conclusion, should S. 2554 come to a vote, ERIC urges members to vote YES – and likewise, should Amendment 4011 come to a vote, ERIC urges members to vote NO. We look forward to working with Congress to enact policies that help to improve access to, and reduce the costs of, prescription drugs for all Americans.

Sincerely,

A handwritten signature in blue ink that reads "James P. Gelfand".

James Gelfand

Senior Vice President, Health Policy

ERIC is the only national association that advocates exclusively for large employers on health, retirement, and compensation public policies at the federal, state, and local levels.