Reimportation bills held up

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WASHINGTON -- Despite debates in Congress, dozens of hearings and senior bus trips to Canada, the fate of federal legislation to allow the importation of drugs from the north is again in limbo.

Republican Senate leaders say they will not bring reimportation measures to the floor for a vote this year even as a bipartisan group of senators threatens to sidestep the leadership, push the legislation through and force lawmakers to act.

"It's going to happen and it's going to pass," said Barry Piatt, a spokesman for Sen. Byron Dorgan (D-N.D.), a key sponsor of the bipartisan bill. "Reimportation will save Americans who desperately need more affordable prescription medicine millions, if not billions, of dollars."

While several measures have been introduced in the Senate, including two from key Republicans, Dorgan's bipartisan measure has garnered the most support with AARP and other senior groups backing it. But Medicare experts say chances of the measure passing dim as it gets closer to Election Day.

"It's been obstructed in the great digestive track of legislation," said Alan Sager, a professor at Boston University School of Public Health. Sager said allies of the pharmaceutical companies, including the federal Food and Drug Administration and lawmakers, have "worked to paralyze importation by claiming that it's unsafe."

For years, seniors in border states have taken bus trips to Canada to buy cheaper drugs. A key voting bloc, seniors are pressing lawmakers to allow reimportation. For a while, they appeared to be making headway as Congress moved toward considering such legislation. The House passed a reimportation bill last year.

No American "believes any longer that higher prices are a natural disaster like a hurricane," Sager said. "Most Americans believe we can do something about it."

But Republican leaders, federal health officials and President George W. Bush managed to halt that movement, arguing that importing drugs from foreign countries poses safety risks, particularly by opening the door to counterfeit medicines. Bush recently told a group of seniors that it's his job to protect Americans.

Senate Majority Leader Bill Frist (R-Tenn.) said the issue requires a thorough debate on safety before Congress considers legalizing importation.

"There needs to be a balance between safety and price and while the senator appreciates the importance of having affordable drugs, he also values the trust we have in our prescription drug system," said Amy Call, a Frist spokeswoman.

Critics call the safety argument bogus, saying many of the drugs are made in the United States. The drugs are sold cheaper in Canada because of government price controls.
"The president would import sneakers from Taiwan, T shirts from Hong Kong and coffee from Colombia," said Rep. Pete Stark (D-Calif.). "But drugs from Canada, no way! Again, the drug companies win and the seniors lose."

Democratic presidential candidate Sen. John Kerry said he too supports reimportation and recently blasted Bush for not urging Congress to act.

The bipartisan bill, also supported by Sens. John McCain (R-Ariz.), Hillary Rodham Clinton and Charles Schumer, both Democrats from New York, would allow consumers to import drugs from licensed Canadian pharmacists and wholesalers registered with the FDA. The drugs must also come from FDA-inspected sites.

Supporters of that bill complain that Frist had promised to allow the Senate to vote on a measure. Call, however, said Frist only promised to allow the legislative process to begin and that happened when Sen. Judd Gregg (R-N.H.) held hearings on reimportation and introduced his own more restrictive bill.

The Gregg bill allows the FDA a year to set up an importation system with Canada versus three months under the bipartisan bill. And, unlike the bipartisan bill, the Gregg bill does not impose penalties against drug makers that try to limit supplies to Canadian pharmacies.

"I think we're in a little bit of a holding pattern," said a Republican aide.

Supporters of the bipartisan bill, however, say before the end of the year, they will attach their measure to other bills that come before the Senate.

None of the measures, however, has garnered support from federal health or drug officials. Health officials say they are waiting for a report, expected in December, from a task force looking into the safety of importing drugs.

"We're on target," said federal Health and Human Services Secretary Tommy Thompson.

Earlier this year, Thompson said he would recommend that Bush sign a reimportation bill, but last week he pulled back, saying he would have to see the final legislation first. "Congress has got to pass it first," he said.

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