

June 30, 2020  
Alex Azar  
Secretary of Health and Human Services  
200 Independence Avenue S.W.  
Washington, D.C., 20201

Dear Secretary Azar,

I am writing to ask that you and the federal government urgently use all tools at your disposal to ensure that the medicines our state needs to care for our people throughout this pandemic is affordable to our programs, free to our people and available in reliable supply.

I am deeply concerned that soon we will face serious medicine shortages. Hospitals are already reporting shortages of medicines needed to respond to the pandemic. Supplies of critical medicines, like asthma inhalers, are under threat.

As the pandemic spreads, many of our people are likely to confront increasing hardship, including financial hardship due to job loss and economic downturn, as well as personal hardship from social isolation and health challenges. We must do all we can to prevent treatment rationing caused by high prices. Our first responders need Narcan to help prevent overdose deaths. Our families need insulin to survive. Our community will also eventually need access to COVID-19 treatments and vaccines. It is critically important that these medicines are made available to our people as quickly as possible, regardless of ability to pay. They must be affordable to our public programs, so that we can continue to provide as many essential services as possible throughout this crisis.

The federal government has the tools to help us. The government should use existing authorities, such as the Defense Production Act and 28 USC 1498, to ramp up production and clear patent monopolies that keep medicines priced out of reach. Previous experience has shown that using these powers can bring immediate relief. We urgently need help.

I respectfully request you to immediately invoke these authorities to make medicines affordable and accessible. In particular, I ask you:

1. To activate immediately all U.S. public manufacturing facilities to produce any essential medicines in shortage.
2. To use Section 1498 immediately and break any patent monopoly on medicines and to allow for low-cost generic competition.
3. To begin mass public production of COVID-19 treatments and vaccines that show early efficacy and to authorize multiple manufacturers to produce treatments and vaccines, using Section 1498 to eliminate patent monopolies.

Thank you for your time. I await your urgent response.

Sincerely,

A handwritten signature in black ink that reads "Jeff Smith". The signature is written in a cursive, slightly slanted style.

Senator Jeff Smith