Whereas, Nationally, spending on prescription drugs comprise an estimated 17 percent of total health care costs;¹ and

Whereas, After accounting for discounts/rebates, drug spending is an estimated average of 10 to 15 percent higher in the United States than in Canada, France, and Germany;² and

Whereas, Patients are affected by high prescription drug costs particularly when cost-containment strategies shift more costs to patients in the form of higher co-payments/cost sharing, causing higher patient cost exposure, which can reduce patient adherence, and lead to negative health outcomes³; and

Whereas, The Homeland Security Appropriations Act of 2007 prohibits customs and border security funding to be used to prevent a person from importing a prescription drug from Canada that would otherwise comply with FDA standards—if the medication is "on their person," for personal-use only, and if the quantity does not exceed a 90-day supply; and

Whereas, The requirement that personally-imported prescription drugs from Canada must otherwise comply with FDA standards can trigger FDA review; and

Whereas, The FDA has issued enforcement guidelines that allow FDA staff who receive referrals of imported drug cases from customs and border personnel to use their discretion and on a case-by-case basis to allow entry of otherwise illegal FDA-regulated products when the quantity and purpose are clearly for personal use, and the product does not present an unreasonable risk to the use;⁴ and

Whereas, Although the 2003 Medicare Modernization Act authorized the development of regulations that would allow waivers for individual drug importation, no Secretary of Health and Human Services has issued such waivers; and

⁴ US Food and Drug Administration. Information on Importation of Drugs. Prepared by the Division of Import Operations and Policy, FDA (available online at https://www.fda.gov/forindustry/importprogram/ucm173751.htm)
Whereas, The current legal climate appears to offer some enforcement discretion, but the personal importation of prescription drugs from Canada remains illegal and there is no guarantee of protection for individuals who do so; and

Whereas, The Safe and Affordable Drugs from Canada Act, bipartisan legislation authored by Sen. Klobuchar (MN) and Sen. McCain (AZ), would allow individuals to import into the US a personal supply of prescription drugs from an approved Canadian pharmacy and dispensed by a licensed pharmacist; and

Whereas, Personal drug importation from Canada will not solve the problem of prescription drugs prices, but incremental efforts deserve support; and

Whereas, Current AMA Policy D-110.983 specifically addresses importation by drug wholesalers and importation via Internet sales, it does not address the issue of importation from a Canadian pharmacy for personal use only; therefore be it

RESOLVED, That our American Medical Association support legislation that would allow for the personal purchase and importation of prescription drugs obtained directly from a licensed Canadian pharmacy, provided such drugs are for personal use and of a limited quantity. (New HOD Policy)

Fiscal Note: Not yet determined

Received: 10/12/17

RELEVANT AMA POLICY

Prescription Drug Importation and Patient Safety D-100.983

Our AMA will:
(1) support the legalized importation of prescription drug products by wholesalers and pharmacies only if: (a) all drug products are Food and Drug Administration (FDA)-approved and meet all other FDA regulatory requirements, pursuant to United States laws and regulations; (b) the drug distribution chain is "closed," and all drug products are subject to reliable, "electronic" track and trace technology; and (c) the Congress grants necessary additional authority and resources to the FDA to ensure the authenticity and integrity of prescription drugs that are imported;
(2) oppose personal importation of prescription drugs via the Internet until patient safety can be assured;
(3) review the recommendations of the forthcoming report of the Department of Health and Human Services (HHS) Task Force on Drug Importation and, as appropriate, revise its position on whether or how patient safety can be assured under legalized drug importation; and
(4) educate its members regarding the risks and benefits associated with drug importation and reimportation efforts.

Citation: BOT Rep. 3, I-04; Reaffirmation A-09; Reaffirmed in lieu of: Res. 817, I-16