



GREATER NORTH DAKOTA CHAMBER
SB 2031
Senate Human Services Committee
Chair Judy Lee
January 16th, 2023

Chair Lee and members of the Committee, my name is Andrea Pfennig with the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization, with membership represented by small and large businesses, local chambers, and trade and industry associations across the state. We stand in **opposition** of Senate Bill 2031.

GNDC believes strongly in the free market system. This system gives strength to the consumer by enticing companies to compete among each other for their business. Competition motivates companies to produce the products that meet the needs of the consumer at reasonable prices the market can support. This competition within the free market system has led our nation to innovate and develop world class products at reasonable prices, all at the demand and access of the consumer.

These principles were confirmed in a report that was recently jointly commissioned by GNDC and the Bioscience Association of North Dakota (BioND). Conducted by the Challey Institute at North Dakota State University, the white paper found that imposing price controls on prescription drugs will decrease drug availability to patients and threaten the future of research and development of life saving medications.

Mandates could have especially negative impacts on rural North Dakota which may already struggle with supply chain issues. Price controls would also harm small businesses by increasing their costs to supply health insurance to employees.

While well intentioned, price controls have harmful unintended consequences and infringe upon free market principles. It is critical that we foster a business climate in North Dakota that encourages private investment, research, innovation, product development, and the efficient delivery of products and services to meet the needs of the consumer.

Chair Lee and members of the Committee, thank you for the opportunity to comment. I respectfully urge you to reject SB 2031, and I would be happy to respond to any questions.

Pharmaceutical Price Controls Destroy Innovation and Harm Patients

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The IQVIA Institute (2021) forecasts total medical spending in the U.S. will reach between \$380-\$400 billion by 2025. A growing component of this jarring figure is prescription drug costs. Nearly 48 percent of Americans use at least one prescription drug daily (CDC, 2019). More people might use prescription drugs if they can afford them. A 2019 survey finds nearly 30 percent of prescriptions remain unfilled because patients fear they will be too expensive (KFF, 2020).

Skyrocketing health care costs have motivated politicians to step in and look for solutions. Price controls are their latest (of many failed) attempts to address pharmaceuticals. While price controls for drugs were once political rhetoric, they might soon become the next foolhardy attempt to fix healthcare woes. Colorado recently became the first state to implement a price cap on insulin (Zialcita 2021). Even North Dakota has considered similar policies. 2021's Senate Bill No. 2170 aimed to fine producers \$1,000 for charging higher prices than Canadian pharmacies and will be reintroduced in 2023.

North Dakota does have a prescription drug expenditure problem. In 2019, North Dakotans spent nearly \$1.5 billion on prescription drugs (Definitive Healthcare, 2022). This ranks amongst the highest per capita expenditures in the country. But price controls are no solution. At best, they fail. At worst, they create severe unintended consequences which harm consumers and producers.

Price controls for pharmaceuticals are a clear example of the dangers of well-intended but poorly thought out

policy- crippling suppliers from innovating new and cheaper products while also slashing patient access to much-needed (even life-prolonging) medical goods. North Dakota's characteristics and economic conditions would only make these consequences worse.

Price Controls: Bad in Theory, Worse in Practice

Prices play an indispensable role in the economy. They inform both buyers and sellers how much of a good is available. Higher prices motivate producers to find profitable ways to make more. They also encourage consumers to buy less (or buy something else).

When policies prevent prices from rising, consumers buy more while producers make less (or make something else). Price controls reduce patient availability when the product is prescription drugs while cutting motivation and resources for drug suppliers to invest and improve (now less profitable) goods (Calfee, 2001). Both parties are worse off- the worst outcome a policy can create.

This fundamental economic lesson applies to all products in all markets. Shuttenger (2014) reviews the use and effects of price controls extending back thousands of years and for hundreds of products. The results are always the same: less availability and rippling effects across other markets worsen an already difficult situation.

Numerous studies demonstrate that prescription drug prices, even when high, are no exception to this predictable pattern. Klye (2007) and Schulthess and Bowen (2021) find drug developers were less likely to dedicate funds to R&D and introduce new drugs within countries with pharmaceutical price controls. Eger and Mahlich (2014) similarly find that firms selling drugs in price-regulated European markets use less R&D spending. Philipson and Durie (2021) review the Lower Drug Costs Now Act proposed by the Biden Administration and estimated the act would cost between 167-342 new drug approvals while also reducing R&D spending by about \$952.2 billion to \$2 trillion across 18 years.

Cutting R&D comes at the cost of future innovation—meaning fewer pioneering medical discoveries, cheaper drugs, and lifesaving medications. Motkuri and Mishra (2018) find that India's efforts to implement price controls considerably reduced patient access to lifesaving drugs. In their illustrating but concerning paper entitled *The Cost of U.S. Pharmaceutical Price Reductions: A Financial Simulation Model of R&D Decisions*, Abbot and Vernon (2005) note that even modest price controls in the U.S. pharmaceutical market could truncate R&D expenditures across the pharmaceutical market by 5 percent. For reference, federal funding provided to Pfizer to produce the first authorized Covid-19 vaccine was only an 8 percent R&D increase.

Current drug availability will also sharply decrease because of decreased profitability (Ingram 2011). While some “blockbuster” drugs have high-profit margins, most prescription drugs made modest gains. Abbot and Vernon (2005) note that only 30 percent of drugs recoup their R&D expenditures once they reach U.S. patients.

Drug shortages caused by price controls are also well documented. Slin (2007) chronicles a decade of drug shortages in the United Kingdom through the 1950-1960s following their attempts to set price

controls to make drugs cheaper. Even price controls on more lucrative drugs fail to deliver on their goals. In 2019, Colorado became the first state to cap insulin co-pays to \$100 per month. Nearly a year later, a survey found 40% of Coloradan diabetics still rationed their insulin because of a lack of availability (March, 2021).

North Dakota and Minnesota residents frequently travel to Canada (which also uses price controls) to buy cheaper insulin (Davie, 2019). Consequently, Canadian pharmacies often restrict how many vials of insulin patients can purchase at a time—leaving Canadians with less access (Mueller, 2017).

What Prescription Drug Price Controls Would Mean for North Dakotans

Healthcare's complex network of insurance providers, employers, third-party agencies, and medical professionals means the harmful effects of price controls extend well beyond patients and drug producers. Price controls and ill effects cast a wide and devastating net in a state with predominantly rural health like North Dakota.

When drug producers lose profitability, they produce fewer drugs with lower profit margins. Consequently, cheaper drugs become harder to find and other drugs get prescribed for their secondary effects. Changing pharmaceutical prices also requires PBMs, PSAsOs, and similar organizations to renegotiate drug prices with pharmacies and insurance providers. The outcome is cost-shifting strategies that place further financial burdens on the drug providers (including wholesalers) and patients to cover the costs of drugs that remain on the market.

With nearly 40 percent of North Dakotans living in a rural population, higher insurance premiums and lower coverages put many farther away from accessing pharmaceuticals (N.D. Chamber of Commerce, 2021). This is especially harmful as rural populations frequently have higher rates of diabetes and other

chronic health conditions (Smith, Humphries, and Wilson, 2008). Rising premiums are especially financially difficult for the already 9 percent of North Dakotans without any health insurance coverage (KFF, 2020).

Less access to drugs would also be particularly harmful to North Dakotans. Although North Dakota is one of the least populated states, it ranks 20th in the number of prescription drugs filled and 11th in the number of unique prescriptions filled annually. These figures indicate North Dakota patients need diverse and frequent pharmaceutical access (Definitive Healthcare, 2022).

Pharmaceutical price controls would also harm small businesses. Nearly 60 percent of U.S. employees receive some health insurance from work, making employers one of the largest health insurance providers. When the cost of providing health insurance to employees rises, so does the cost of retaining and hiring new employees, leading to fewer jobs. Baicker and Chandra (2005) estimate a 10 percent increase in health insurance premiums results in 1 fewer hour

worked per week with a two percent lower chance of being hired (health insurance premiums have risen 50 percent since 2000).

As categorized by the Small Business Administration, nearly 98 percent of businesses incorporated in North Dakota are small businesses (Boland 2021). Combined with a persistent state-wide labor shortage (O'Day, 2021), the secondary effects of pharmaceutical price controls would likely have a considerable negative impact.

Conclusion

Higher prices for vital goods like prescription drugs have falsely led many to call on price controls to make them cheaper. While well intended, price controls only attempt to limit price increases. Their actual effect is to limit innovation and access. Thousands of examples and a large body of research consistently find price controls fail to deliver while causing considerable harm. Implementing them in North Dakota would be a disastrous misdiagnosis.

Citations available upon request.

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The views expressed in this paper are those of the author and do not necessarily reflect the views of the Sheila and Robert Challey Institute for Global Innovation and Growth or the views of North Dakota State University.