September 19, 2023

The Honorable Adam Schiff
United States House of Representatives
2309 Rayburn House Office Building
Washington, DC 20515

Dear Representative Schiff:

AARP, which advocates for the more than 100 million Americans age 50 and over, is pleased to endorse your legislation, H.R. 4134, the Updated Drug Labeling for Patient Safety Act, to ensure that consumers have the most up-to-date safety information about the generic drugs they are taking.

The Updated Drug Labeling for Patient Safety Act would establish a process for generic drug manufacturers to update their labels with new information on serious side effects as it becomes known. Currently, manufacturers of brand name drugs can update their safety labels as information becomes known. This would give parity to generic drug manufacturers to do the same.

AARP believes generic drugs are one of the safest and most effective ways for consumers to lower their prescription drug costs, and we encourage our members to use generic drugs whenever possible. However, AARP is concerned that, unlike brand name drug manufacturers, generic drug manufacturers must wait – either for the brand name drug to update their own safety label or to be identified by the FDA – before they are allowed to update their labels. This can slow companies down from taking necessary steps to assure the safety of generic medications. It also prevents generic drug manufacturers from being held liable for outdated safety information on their labels. As a result, while consumers harmed by brand name prescription drugs have a legal remedy, consumers harmed by generic drugs do not.

As noted in an AARP Foundation amicus brief submitted in *Pliva v. Mensing*, AARP believes that holding generic drug makers to a lower standard will effectively punish consumers for choosing generic drugs and send the message that generics are less trustworthy than brand name drugs — directly counter to the intent of the Hatch-Waxman Act. We are encouraged by your bill and hope it will serve to not only ensure patients have adequate legal protections, but also prompt improvements to the FDA process for updating warning labels when new information about potentially harmful side effects comes to light.

AARP appreciates your work to ensure that consumers have timely access to safety information about their generic drugs. If you have any further questions, please feel free to contact me or have your staff contact Gidget Benitez of our Government Affairs staff at gbenitez@aarp.org.

Sincerely,

Bill Sweeney
Senior Vice President
Government Affairs