



NEW YORK STATE SENATOR

Simcha Felder

Senate Passes Bill Improving Access to Affordable “EpiPens”

SIMCHA FELDER May 31, 2019

| ISSUE: **EIPEN, EIPEN PRICING**



On Thursday, May 30, the NY Senate passed legislation (S3539) sponsored by Senator Rivera and co-sponsored by Senator Felder aimed at improving consumer access to more affordable generic epinephrine injectors (EpiPens).

Epinephrine auto-injectors are lifesaving, hand-held devices, carried by those who have severe allergies to administer in the event of a severe allergic reaction. The bill empowers pharmacists to substitute a generic device at a lower cost to consenting patients without the additional hassle of replacing their prescription from already overburdened doctors. Doctors

often prescribe the auto-injector using the brand name (EpiPen) that has become an eponym for the device, but owing to a cost in excess of \$600, most insurance providers will not cover it. Compounding the issue, to ensure safety at home and school, a severely allergic child will need at least two of the devices, and whether used or not, they expire annually and must be replaced.

“While the steep price of EpiPens climbs at an alarming pace, more affordable generics have emerged, but shockingly, they remain inaccessible to patients. By simply correcting this technicality we can improve access to this life-saving device,” said Senator Felder.

New York law currently authorizes pharmacists to provide generic options to prescription medications. However, the epinephrine auto-injector is both a medicine and a device, leaving pharmacists and patients in a grey area. Patients have to cover the steep cost alone or take a risk for as long as it takes to replace the prescription. Patients and pharmacists report contending with the struggle regularly.

A steadily increasing number of New Yorkers with severe allergies rely upon the devices to treat anaphylaxis. 15 million Americans, including 1 in 13 children, are at risk of the potentially life-threatening condition. FAIR Health (a national, independent nonprofit) reported a 377% rise in severe allergies from 2007 - 2016. Within seconds of exposure to an allergen, an anaphylactic reaction constricts breathing and requires an injection of epinephrine and emergency room follow-up. Especially for children, the condition can be fatal without immediate treatment.

“Families shouldn’t be faced with this exorbitant expense and dangerous waste of time. This bill puts the choice for more affordable health options back in the hands of the patient and family, where it belongs,” said Senator Felder.

2019-S3539A

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
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Relates to the substitution of brand name epinephrine auto-injectors with alternate epinephrine auto-injectors

February 08, 2019

In Senate Committee [Higher Education](#)

Sponsored by [Gustavo Rivera](#)

Do you support this bill?
