# FROM THE DESK OF THE PRESIDENT *of* the UNITED STATES

SEPTEMBER 20, 2020

*Executive Order* #71

**EXECUTIVE ORDER #**

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**SECTION 1. PURPOSE**

The United States of America spends the most (per capita) on pharmaceutical spending compared to nine other high-income countries with the likes of Australia, Canada, France, Germany, the Netherlands, Norway, Sweden, Switzerland, and the United Kingdom. (OCED 2017)

Problems that contribute to such overspending are found to be:

(a) Overpriced pharmaceuticals
(b) Lack of a competitive market to allow monopolization
(c) Low international exchange of pharmaceuticals
(d) A complex and consistent mix of payers and negotiators
(e) The separation of the manufacturer to the consumer in the drug purchasing process

The Ian Administration supports the goal of the safe importation of prescription drugs, including making changes to affect and decrease the amount of money that the American people spend on pharmaceuticals.

**SECTION 2. PERMITTING SAFE IMPORTATION OF PRESCRIPTION DRUGS**

The Secretary of Health and Human Services, as appropriate and consistent with applicable law, is directed to—

(a) Pursuant to section 804(j)(2) of the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. 384(j)(2)
    (i) facilitate grants to individuals of waivers of the prohibition of the importation of prescription drugs
        (1) provided such importation poses no additional risk to public safety and results in lower costs to American patients

(b) Authorizing re-importation of insulin products that are required for emergency medical care

(1) Pursuant to section 801(d) of the FDCA, 21 U.S.C. 381(d)

(c) Allowing for the completion of the rulemaking process under section 804(b) through (h) of the FDCA, 21 U.S.C. 384(b) through (h), to allow the importation of certain drugs from Canada

**SECTION 3. PROVISIONS**

(a) Nothing in this order shall be construed to impair:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**Ian Duncan Halpert**

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President *of* the United States