# 1NC

### 1NC - OFF

#### 1] Interpretation – Reduce means to cancel.

Black’s Law 90 Black’s Law Dictionary 2ND ED. “Reduce” <https://dictionary.thelaw.com/reduce/> //Elmer

In Scotch law. **To rescind or annul**.

#### That means the Aff has to annul IP protections in their entirety, they can’t just modify it.

#### 2] Violation – They “delay enforcement” which is a modification, not a complete annulment

#### 3] Standards –

#### a] Neg Ground – Core Neg Generics like Innovation and Biotech Heg are predicated on scope of effect – minor modifications in how long a patent lasts for or what it effects allows the 1AR to minimize our links to zero which destroys being Neg on a Topic w/ very little Generic Ground.

#### b] Limits – Allowing Affs to make patent modifications explodes Aff ground by three-fold because for all four intellectual property protections for every medicine MULTIPLIED by different time modifications, different scope modifications which makes predictable preparation and in-depth clash impossible.

#### 4] TVA – eliminate the enforcement of all cannabis patents – solves their offense.

#### 5] Paradigm Issues –

#### a] Topicality is Drop the Debater – it’s a fundamental baseline for debate-ability.

#### b] Use Competing Interps – 1] Topicality is a yes/no question, you can’t be reasonably topical and 2] Reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation.

#### c] No RVI’s - 1] Forces the 1NC to go all-in on Theory which kills substance education, 2] Encourages Baiting since the 1AC will purposely be abusive, and 3] Illogical – you shouldn’t win for not being abusive.

#### D] T link turns 1ar theory – the only reason we had to be abusive is because they were in the first place

### 1NC – OFF

#### Interpretation – Marijuana isn’t a Medicine

Mosley 20, Mark. "Medical Marijuana Is a Dangerous Lie." Emergency Medicine News 42.8 (2020): 2-3. (Dr. Mark Mosley is an emergency medicine physician in Wichita, Kansas and is affiliated with Wesley Healthcare Center. He received his medical degree from University of Oklahoma College of Medicine and has been in practice for more than 20 years.)//Elmer

**Marijuana is not a medical drug.** It is a **slang term for** a **plant of the Cannabis family that contains more than 60 different cannabinoid substances and more than 80 biologically active compounds**. Using the term marijuana in place of THC would be like using willow tree in place of acetylsalicylic acid, the active ingredient in aspirin.

#### FDA and CDC definitions prove.

CDC ’18 (CDC; Centers for Disease Control and Prevention; 3-7-2018; “**Is marijuana medicine**?”; CDC; <https://www.cdc.gov/marijuana/faqs/is-marijuana-medicine.html>; Accessed: 9-4-2021; AU)

The marijuana plant has chemicals that may help symptoms for some health problems. More and more states are making it legal to use the plant as medicine for certain conditions. But there isn’t **enough research** to show that the whole plant works to treat or cure these conditions. Also, the U.S. Food and Drug Administration (FDA) **has not recognized** or **approved** the marijuana plant **as medicine**. Because marijuana is often smoked, it can damage your lungs and cardiovascular system (e.g., heart and blood vessels). These and other damaging effects on the brain and body could make marijuana more harmful than helpful as a medicine. Another problem with marijuana as a medicine is that the ingredients aren’t exactly the same from plant to plant. There’s no way to know what kind and how much of a chemical you’re getting.

#### **Violation – the resolution calls for reductions on IP protections for medicines, but the aff prevents future patents for cannabis-derived products.**

#### Vote neg for limits and ground. Expanding the definition of “medicine” to anything that could be used in a medical setting floods the neg with cases to prep for – everything from new methods of chemo to upgrading stethoscopes becomes topical.

#### At best – they’re extra-T since Cannabis isn’t intrinsically medicinal, it just has medicinal uses so they would reduce Recreational Marijuana patents too which isn’t topical and explodes limits.

Johnson 20 Ian Johnson 1-20-2020 "Cannabis Patents 2000 – 2019: Trends Following Legalization" <https://plantlaw.com/2020/01/20/cannabis-trends-medical-recreational/> (Registered Patent Agent, Plant & Planet Law Firm)//Elmer

These findings correspond to the overall increase in **cannabis-related patents** and demonstrate that the recreational patent sector is growing at an even greater rate than cannabis patents generally. This supports the theory that recreational markets and expansion of legal personal use of cannabis have resulted in an increase in patent activity in the industry. Again, publication totals are not necessarily the most accurate reflection of patent behavior by cannabis businesses. Therefore, it is useful to examine filing and provisional trends for recreational patents. These results are subject to the same 18-month delay problems noted above, and therefore actual and projected values are provided. Using actual filing data for 2017, there has been a 181% increase in filing activity since 2012. Using projected filing data for 2019, there has been a 257% increase in recreational filing activity since 2012. Using actual priority claims for 2017, there has been a 196% increase in provisional filing activity since 2012. Using projected priority claims for 2019, there has been a 289% increase in recreational provisional filing activity since 2012. The following charts demonstrate recreational filing trends from 2012 to 2019. Patents **that could be classified as recreational** **made up approximately 53% of all filings** between 2000 and 2011. However, **following legalization** the percent of patents and applications considered recreational has **increased to** approximately **77% of filings in 2018**. The chart below demonstrates the growth of the recreational sector’s share of cannabis patent activity.

#### C/A Paradigm Issues

### 1NC – OFF

#### Biden’s infrastructure bill will pass through reconciliation but absolute Dem Unity is key.

* Turns Structural Violence

Pramuk and Franck 8-25 Jacob Pramuk and Thomas Franck 8-25-2021 "Here’s what happens next as Democrats try to pass Biden’s multitrillion-dollar economic plans" <https://www.cnbc.com/2021/08/25/what-happens-next-with-biden-infrastructure-budget-bills-in-congress.html> (Staff Reporter at CNBC)//Elmer

WASHINGTON — **House Democrats just patched up a party fracture** **to take a critical step forward with a mammoth economic agenda**. But the **path ahead could get trickier** as party leaders try to thread a legislative needle to pass more than $4 trillion in new spending. **In** the **coming weeks**, **Democrats** **aim to approve** a $1 trillion bipartisan **infrastructure** plan and up to $3.5 trillion in investments in social programs. Passing both **will require a heavy lift**, as leaders will need to **satisfy** **competing demands of centrists** wary of spending **and progressives** who want to reimagine government’s role in American households. The House is leaving Washington **until Sept. 20** after taking key steps toward pushing through the sprawling economic plans. The chamber on Tuesday approved a $3.5 trillion budget resolution and advanced the infrastructure bill, as House Speaker Nancy Pelosi, D-Calif., promised centrist Democrats to take up the bipartisan plan by Sept. 27. The Senate already passed the infrastructure legislation, so **a final House vote would send it to Biden’s desk for his** signature. Now that both chambers have passed the budget measure, **Democrats can move without Republicans** to push through their spending plan **via reconciliation**. Party leaders want committees to write their pieces of the bill by Sept. 15 before budget committees package them into one massive measure that can move through Congress. Committees could start marking up legislation in early September. Party leaders **face a challenge** in coming up with a bill that will satisfy centrists who want to trim back the $3.5 trillion price tag and progressives who consider it the minimum Congress should spend. As **one defection in the Senate** — **and four in the House** — **would sink legislation,** **Democrats have to satisfy a diverse range of views** to pass their agenda. “We write a bill with the Senate because it’s no use doing a bill that’s not going to pass the Senate, in the interest of getting things done,” Pelosi told reporters on Wednesday. Given the magnitude of the legislation, passing it quickly could prove difficult. To appease congressional progressives who have prioritized passage of the budget bill, Democrats could move to pass both proposals at about the same time. While Pelosi gave a Sept. 27 target date to approve the infrastructure plan, the commitment is not binding. Still, she noted Wednesday that Congress needs to pass the bill before surface transportation spending authorization expires Sept. 30. “We have long had an eye to having the infrastructure bill on the President’s desk by the October 1, the effective date of the legislation,” she wrote in a separate letter to Democrats on Wednesday. Democrats say the bills combined will provide a jolt to the economy and a lifeline for households. Supporters of the Democratic spending plan, including Pelosi and Senate Budget Committee Chair Bernie Sanders, I-Vt., have cast it as the biggest expansion of the U.S. social safety net in decades. “This is a truly historic opportunity to pass the **most transformative** and consequential **legislation for families** in a century, and will stand alongside the New Deal and Great Society as pillars of **economic security**,” Pelosi wrote to colleagues Wednesday. The plan would **expand Medicare**, **paid leave** and child care, extend enhanced household tax credits and encourage **green energy adoption**, **while hiking taxes on corporations and the wealthy**. Democrats hope to sell a wave of new support for families as they campaign to keep control of Congress in next year’s midterms. Those elections, though, have helped to generate staunch opposition on the other side of the aisle. The GOP has cited the trillions in new spending and the proposed reversal of some of its 2017 tax cuts in trying to take down the Democratic budget bill. Republicans and some Democrats have in recent weeks said that another $4.5 trillion in fiscal stimulus could not only boost economic growth but have the adverse effect of fueling inflation.

#### Pharma backlashes to the Plan – they’re aggressive lobbyists and will do anything to preserve patent rights.

* Turns Case – Waters down the Plan due to lobbying
* Optional Card – still thinking on if its necessary [note from Elmer]

Huetteman 19 Emmarie Huetteman 2-26-2019 “Senators Who Led Pharma-Friendly Patent Reform Also Prime Targets For Pharma Cash” <https://khn.org/news/senators-who-led-pharma-friendly-patent-reform-also-prime-targets-for-pharma-cash/> (former NYT Congressional correspondent with an MA in public affairs reporting from Northwestern University’s Medill School)//Elmer

Early last year, as lawmakers vowed to curb rising drug prices, Sen. Thom Tillis was named chairman of the Senate Judiciary Committee’s subcommittee on intellectual property rights, a committee that had not met since 2007. As the new gatekeeper for laws and oversight of the nation’s patent system, the North Carolina Republican signaled he was determined to make it easier for American businesses to benefit from it — a welcome message to the drugmakers who already leverage patents to block competitors and keep prices high. Less than three weeks after introducing a bill that would make it harder for generic drugmakers to compete with patent-holding drugmakers, Tillis opened the subcommittee’s first meeting on Feb. 26, 2019, with his own vow. “From the United States Patent and Trademark Office to the State Department’s Office of Intellectual Property Enforcement, no department or bureau is too big or too small for this subcommittee to take interest,” he said. “And we will.” In the months that followed, tens of thousands of dollars flowed from pharmaceutical companies toward his campaign, as well as to the campaigns of other subcommittee members — including some who promised to stop drugmakers from playing money-making games with the patent system, like Sen. John Cornyn (R-Texas). Tillis received more than $156,000 from political action committees tied to drug manufacturers in 2019, more than any other member of Congress, a new analysis of KHN’s Pharma Cash to Congress database shows. Sen. Chris Coons (D-Del.), the top Democrat on the subcommittee who worked side by side with Tillis, received more than $124,000 in drugmaker contributions last year, making him the No. 3 recipient in Congress. No. 2 was Sen. Mitch McConnell (R-Ky.), who took in about $139,000. As the Senate majority leader, he controls what legislation gets voted on by the Senate. Neither Tillis nor Coons sits on the Senate committees that introduced legislation last year to lower drug prices through methods like capping price increases to the rate of inflation. Of the four senators who drafted those bills, none received more than $76,000 from drug manufacturers in 2019. Tillis and Coons spent much of last year working on significant legislation that would expand the range of items eligible to be patented — a change that some experts say would make it easier for companies developing medical tests and treatments to own things that aren’t traditionally inventions, like genetic code. They have not yet officially introduced a bill. As obscure as patents might seem in an era of public **outrage** **over** drug prices, the fact that **drugmakers** gave most **to** the **lawmakers working to change the patent system** belies how important securing **the exclusive right to market a drug, and keep competitors at bay, is to their bottom line**. “**Pharma will fight to the death to preserve patent rights**,” said Robin Feldman, a professor at the UC Hastings College of the Law in San Francisco who is an expert in intellectual property rights and drug pricing. “Strong patent rights are central to the games drug companies play to extend their monopolies and keep prices high.” Campaign contributions, closely tracked by the Federal Election Commission, are among the few windows into how much money flows from the political groups of drugmakers and other companies to the lawmakers and their campaigns. Private companies generally give money to members of Congress to encourage them to listen to the companies, typically through lobbyists, whose activities are difficult to track. They may also communicate through so-called dark money groups, which are not required to report who gives them money. Over the past 10 years, the **pharmaceutical industry** has **spent** about $**233 million per year on lobbying**, according to a new study published in JAMA Internal Medicine. That is more than any other industry, including the oil and gas industry. Why Patents Matter Developing and testing a new drug, and gaining approval from the Food and Drug Administration, can take years and cost hundreds of millions of dollars. Drugmakers are generally granted a six- or seven-year exclusivity period to recoup their investments. But drugmakers have found ways to extend that period of exclusivity, sometimes accumulating hundreds of patents on the same drug and blocking competition for decades. One method is to patent many inventions beyond a drug’s active ingredient, such as patenting the injection device that administers the drug. Keeping that arrangement intact, or expanding what can be patented, is where lawmakers come in. Lawmakers Dig In Tillis’ home state of North Carolina is also home to three major research universities and, not coincidentally, multiple drugmakers’ headquarters, factories and other facilities. From his swearing-in in 2015 to the end of 2018, Tillis received about $160,000 from drugmakers based there or beyond. He almost matched that four-year total in 2019 alone, in the midst of a difficult reelection campaign to be decided this fall. He has raised nearly $10 million for his campaign, with lobbyists among his biggest contributors, according to OpenSecrets. Daniel Keylin, a spokesperson for Tillis, said Tillis and Coons, the subcommittee’s top Democrat, are working to overhaul the country’s “antiquated intellectual property laws.” Keylin said the bipartisan effort protects the development and access to affordable, lifesaving medication for patients,” adding: “No contribution has any impact on how [Tillis] votes or legislates.” Tillis signaled his openness to the drug industry early on. The day before being named chairman, he reintroduced a bill that would limit the options generic drugmakers have to challenge allegedly invalid patents, effectively helping brand-name drugmakers protect their monopolies. Former Sen. Orrin Hatch (R-Utah), whose warm relationship with the drug industry was well-known, had introduced the legislation, the Hatch-Waxman Integrity Act, just days before his retirement in 2018. At his subcommittee’s first hearing, Tillis said the members would rely on testimony from private businesses to guide them. He promised to hold hearings on patent eligibility standards and “reforms to the Patent Trial and Appeal Board.” In practice, the Hatch-Waxman Integrity Act would require generics makers challenging another drugmaker’s patent to either take their claim to the Patent Trial and Appeal Board, which acts as a sort of cheaper, faster quality check to catch bad patents, or file a lawsuit. A study released last year found that, since Congress created the Patent Trial and Appeal Board in 2011, it has narrowed or overturned about 51% of the drugmaker patents that generics makers have challenged. Feldman said the drug industry “went berserk” over the number of patents the board changed and has been eager to limit use of the board as much as possible. Patent reviewers are often stretched thin and sometimes make mistakes, said Aaron Kesselheim, a Harvard Medical School professor who is an expert in intellectual property rights and drug development. Limiting the ways to challenge patents, as Tillis’ bill would, does not strengthen the patent system, he said. “You want overlapping oversight for a system that is as important and fundamental as this system is,” he said. As promised, Tillis and Coons also spent much of the year working on so-called Section 101 reform regarding what is eligible to be patented — “a very major change” that “would overturn more than a century of Supreme Court law,” Feldman said. Sean Coit, Coons’ spokesperson, said lowering drug prices is one of the senator’s top priorities and pointed to Coon’s support for legislation the pharmaceutical industry opposes. “One of the reasons Senator Coons is leading efforts in Congress to fix our broken patent system is so that life-saving medicines can actually be developed and produced at affordable prices for every American,” Coit wrote in an email, adding that “his work on Section 101 reform has brought together advocates from across the spectrum, including academics and health experts.” In August, when much of Capitol Hill had emptied for summer recess, Tillis and Coons held closed-door meetings to preview their legislation to stakeholders, including the Pharmaceutical Research and Manufacturers of America, or PhRMA, the brand-name drug industry’s lobbying group. “We regularly engage with members of Congress in both parties to advance practical policy solutions that will lower medicine costs for patients,” said Holly Campbell, a PhRMA spokesperson. Neither proposal has received a public hearing. In the 30 days before Tillis and Coons were named leaders of the revived subcommittee, drug manufacturers gave them $21,000 from their political action committees. In the 30 days following that first hearing, Tillis and Coons received $60,000. Among their donors were PhRMA; the Biotechnology Innovation Organization, the biotech lobbying group; and five of the seven drugmakers whose executives — as Tillis laid out a pharma-friendly agenda for his new subcommittee — were getting chewed out by senators in a different hearing room over patent abuse. Cornyn Goes After Patent Abuse Richard Gonzalez, chief executive of AbbVie Inc., the company known for its top-selling drug, Humira, had spent the morning sitting stone-faced before the Senate Finance Committee as, one after another, senators excoriated him and six other executives of brand-name drug manufacturers over how they price their products. Cornyn brought up AbbVie’s more than 130 patents on Humira. Hadn’t the company blocked its competition? Cornyn asked Gonzalez, who carefully explained how AbbVie’s lawsuit against a generics competitor and subsequent licensing deal was not what he would describe as anti-competitive behavior. “I realize it may not be popular,” Gonzalez said. “But I think it is a reasonable balance.” A minute later, Cornyn turned to Sen. Chuck Grassley (R-Iowa), who, like Cornyn, was also a member of the revived intellectual property subcommittee. This is worth looking into with “our Judiciary Committee authorities as well,” Cornyn said, effectively threatening legislation on patent abuse. The next day, Mylan, one of the largest producers of generic drugs, gave Cornyn $5,000, FEC records show. The company had not donated to Cornyn in years. By midsummer, every drug company that sent an executive to that hearing had given money to Cornyn, including AbbVie. Cornyn, who faces perhaps the most difficult reelection fight of his career this fall, ranks No. 6 among members of Congress in drugmaker PAC contributions last year, KHN’s analysis shows. He received about $104,000. Cornyn has received about $708,500 from drugmakers since 2007, KHN’s database shows. According to OpenSecrets, he has raised more than $17 million for this year’s reelection campaign. Cornyn’s office declined to comment. On May 9, Cornyn and Sen. Richard Blumenthal (D-Conn.) introduced the **Affordable Prescriptions for Patients Act,** which proposed to define two tactics used by drug companies to make it easier for the Federal Trade Commission to **prosecute** them: “**product-hopping**,” when drugmakers withdraw older versions of their drugs from the market to push patients toward newer, more expensive ones, and “**patent-thicketing**,” when drugmakers amass a series of patents to drag out their exclusivity and slow rival generics makers, who must challenge those patents to enter the market once the initial exclusivity ends. **PhRMA opposed the bill.** **The next day, it gave Cornyn $1,000**. Cornyn and Blumenthal’s bill would have been “very tough on the techniques that pharmaceutical companies use to extend patent protections and to keep prices high,” Feldman said. “The **pharmaceutical industry lobbied tooth and nail against it**,” she said. “And **when the bill finally came** out of committee, the strongest provisions — the **patent-thicketing provisions — had been stripped**.” In the months after the bill cleared committee and waited to be taken up by the Senate, Cornyn blamed Senate Democrats for blocking the bill while trying to secure votes on legislation with more direct controls on drug prices. The Senate has not voted on the bill.

#### They choose Infrastructure as backlash – they bill costs Pharma millions – lobbyists can derail the Agenda.

Brennan 8-2 Zachary Brennan 8-2-2021 "How the biopharma industry is helping to pay for the bipartisan infrastructure bill" <https://endpts.com/how-the-biopharma-industry-is-helping-to-pay-for-the-bipartisan-infrastructure-bill/> (Senior Editor at Endpoint News)//Elmer

Senators on Sunday finalized the text of **a massive, bipartisan infrastructure bill** that contains little **that might** **impact the biopharma industry** other than two ways the legislators are planning to pay for the $1.2 trillion deal. On the one hand, senators are **seeking to** further **delay** a **Trump-era Medicare** Part D **rule** **related to drug rebates**, this time until 2026. Senators claim the rule could end up saving about $49 billion (and that number increased this week to $51 billion), but the PBM industry has attacked it as it would remove rebates from a safe harbor that provides protection from federal anti-kickback laws. The **pharmaceutical industry**, however, is in favor of the rule and **opposes this latest delay** as it continues to point its finger at the PBM industry for the rising cost of out-of-pocket expenses. Debra DeShong, EVP of public affairs at PhRMA, said via email: Despite railing against high drug costs on the campaign trail, lawmakers are threatening to gut a rule that would provide patients meaningful relief at the pharmacy. If it is included in the infrastructure package, this proposal will provide health insurers and drug middlemen a windfall and turn Medicare into a piggybank to fund projects that have nothing to do with lowering out-of-pocket costs for medicines. This would be an unconscionable move that robs patients of the prescription drug savings they deserve to help fill potholes and fund other infrastructure projects. The **other provision** **in the infrastructure bill**, which is estimated to save about $3 billion, **would save money for Medicare** **on discarded medications** from large, single-use drug vials. **Manufacturers will be required to pay refunds** for such discarded drugs, and each manufacturer will be subject to periodic audits on the refunds issued. If manufacturers don’t comply, HHS can fine them the refund amount that they would have paid plus 25%. Drugs that will be excluded from these refund payments include radiopharmaceuticals or imaging agents, as well as those that require filtration during the drug preparation process. So do these two pay-fors mean that the pharma industry is getting off without any serious drug pricing reforms? Not quite, according to Alex Lawson, executive director of Social Security Works. Lawson told Endpoints News in an interview that he still fully expects major drug pricing reforms to make their way through Congress between now and the end of September as Sen. Ron Wyden (D-OR) refines his plan, part of an early fall spending package. Senate Majority Leader Chuck Schumer has promised both the infrastructure and spending package will pass before the Senate leaves for August recess. At the very least in terms of drug pricing provisions, expect to see a combination of the Wyden bill he co-wrote with Sen. Chuck Grassley (R-IA) last year, alongside further Medicare negotiations, Lawson said. “Talk is still optimistic,” Lawson said on the prospects of a drug pricing deal getting done, while noting that **pharmaceutical** company **lobbyists** are **swarming Capitol Hill** at the moment because of **not just drug pricing plans**, but **tax provisions** and the **TRIPS waiver** that the biopharma industry is worried about. “These are **challenges to their entire existence**, **so they’re willing to protect them at any cost**,” Lawson said, noting the target for drug pricing is about $500 billion in savings. As the House has jetted off to enjoy what might be an abbreviated summer recess, the Senate has just this week to get its work done, unless its recess is cut short too. “There’s a **real possibility** that **the whole thing blows up** and we get nothing on either side,” Lawson said.

#### Democrat Senators in Big Pharma’s pocket derails the Plan.

Sirota 8-23 David Sirota 8-23-2021 "Dem Obstructionists Are Bankrolled By Pharma And Oil" <https://www.dailyposter.com/dem-obstructionists-are-bankrolled-by-pharma-and-oil/> (an American journalist, columnist at The Guardian, and editor for Jacobin. He is also a political commentator and radio host based in Denver. He is a nationally syndicated newspaper columnist, political spokesperson, and blogger)//Elmer

The **small group of conservative Democratic lawmakers** that has been **threatening to** help Republicans **halt** **Democrats’ budget package** have **raked in more than $3 million from donors in the pharmaceutical** and fossil fuel **industries** that could see reduced profits if the plan passes. As the House reconvenes today to tackle the budget reconciliation process, nine Democrats legislators have been promising to kill their party’s $3.5 trillion budget bill until Congress first passes a separate, smaller infrastructure spending measure, which has garnered some Republican support and which some environmental advocates say would exacerbate the climate crisis. Indeed, an ExxonMobil lobbyist was recently caught on tape saying the company had worked to strip climate measures out of the infrastructure bill. “**We will vote against a budget resolution** if the infrastructure package isn’t brought up first,” Democratic **Rep**. Josh **Gottheimer** **told** the Washington Post this weekend, **though** the American Prospect reported on Sunday that “**several**” of the **legislators** now **indicated they could back down**. **In the narrowly divided House**, **obstructionism from these** conservative Democrats **could decouple the infrastructure** and budget **measures** from one another. Many believe that would kill the latter by letting conservative Democrats in the Senate such as Kyrsten Sinema (D-Ariz.) and Joe Manchin (D-W.Va.) get the infrastructure bill they want without having to provide the votes necessary to enact the much larger and more progressive budget measure. “If we were to pass the bipartisan [infrastructure] bill first, then we lose leverage,” Democratic Rep. Ritchie Torres (NY) told the Wall Street Journal. Along with Gottheimer, the eight other Democrats who have threatened to obstruct the budget bill are Carolyn Bordeaux (Ga.), Ed Case (Hawaii), Jim Costa (Calif.), Henry Cuellar (Texas), Jared Golden (Maine), Vicente Gonzalez (Texas), Kurt Schrader (Ore.), and Filemon Vela (TX). The U.S. Chamber of Commerce — Washington’s most powerful corporate lobby group — has been airing digital ads thanking the nine Democrats for their maneuvers. Eight of the nine Democrats represent congressional districts won by President Joe Biden, who supports the reconciliation package. Big Pharma’s Big Allies The reconciliation bill is still being negotiated, and many Democratic lawmakers — including those in key swing districts — are pushing for it to include long-promised legislation to allow Medicare to use its enormous purchasing power to negotiate lower prices for prescription drugs. The **pharmaceutical industry** has **aggressively lobbied against the initiative**, which the Congressional Budget Office has estimated would save Medicare $345 billion in medicine costs. The nine House Democrats threatening to derail the reconciliation bill have raked in nearly $1.2 million from donors in the pharmaceutical and health products industries, according to data compiled by OpenSecrets. Among them are two of the Democratic Party’s **top recipients of health care industry money**: **Gottheimer** ($228,186) **and Schrader** ($614,830). Schrader’s third biggest career donor is Pfizer’s political action committee, and his former chief of staff is now a registered lobbyist for the Pharmaceutical Researchers and Manufacturers Association, the pharmaceutical industry’s main lobbying group. Both Gottheimer and Schrader signed a letter earlier this year slamming Democratic leaders’ legislation to lower prescription drug prices. Eight out of the nine Democrats threatening to kill the budget bill also declined to sponsor Democrats’ standalone legislation to let Medicare negotiate lower drug prices. In the Senate, Sinema’s renewed threat to vote down a final reconciliation bill came after she received $519,000 from donors in the pharmaceutical and health products industries.

#### Infrastructure reform solves Existential Climate Change – it results in spill-over.

USA Today 7-20 7-20-2021 "Climate change is at 'code red' status for the planet, and inaction is no longer an option" <https://www.usatoday.com/story/opinion/todaysdebate/2021/07/20/climate-change-biden-infrastructure-bill-good-start/7877118002/> //Elmer

**Not long ago**, **climate change** for many Americans **was** like **a distant bell**. News of starving polar bears or melting glaciers was tragic and disturbing, but other worldly. Not any more. **Top climate scientists** from around the world **warned of a "code red for humanity**" in a report issued Monday that says severe, human-caused global warming is become unassailable. Proof of the findings by the United Nations' Intergovernmental Panel on Climate Change is a now a factor of daily life. Due to **intense heat waves and drought**, 107 wildfires – including the largest ever in California – are now raging across the West, consuming 2.3 million acres. Earlier this summer, hundreds of people died in unprecedented triple-digit heat in Oregon, Washington and western Canada, when a "heat dome" of enormous proportions settled over the region for days. Some victims brought by stretcher into crowded hospital wards had body temperatures so high, their nervous systems had shut down. People collapsed trying to make their way to cooling shelters. Heat-trapping greenhouse gases Scientists say the event was almost **certainly made worse and more intransigent by human-caused climate change**. They attribute it to a combination of warming Arctic temperatures and a growing accumulation of heat-trapping greenhouse gases caused by the burning of fossil fuels. The **consequences of** what mankind has done to the atmo**sphere are now inescapable**. Periods of **extreme heat** are projected to **double** in the lower 48 states by 2100. **Heat deaths** are far **outpacing every other form of weather killer** in a 30-year average. A **persistent megadrought** in America's West continues to create tinder-dry conditions that augur another devastating wildfire season. And scientists say **warming oceans** are **fueling** ever **more powerful storms**, evidenced by Elsa and the early arrival of hurricane season this year. Increasingly severe weather is causing an estimated $100 billion in damage to the United States every year. "It is honestly surreal to see your projections manifesting themselves in real time, with all the suffering that accompanies them. It is heartbreaking," said climate scientist Katharine Hayhoe. **Rising seas** from global warming Investigators are still trying to determine what led to the collapse of a Miami-area condominium that left more than 100 dead or missing. But one concerning factor is the corrosive effect on reinforced steel structures of encroaching saltwater, made worse in Florida by a foot of rising seas from global warming since the 1900s. The clock is ticking for planet Earth. While the U.N. report concludes some level of severe climate change is now unavoidable, there is still a window of time when far more catastrophic events can be mitigated. But mankind must act soon to curb the release of heat-trapping gases. Global **temperature** has **risen** nearly **2 degrees** Fahrenheit since the pre-industrial era of the late 19th century. Scientists warn that in a decade, it could surpass a **2.7**-degree increase. That's **enough** warming **to cause catastrophic climate changes**. After a brief decline in global greenhouse gas emissions during the pandemic, pollution is on the rise. Years that could have been devoted to addressing the crisis were wasted during a feckless period of inaction by the Trump administration. Congress must act Joe Biden won the presidency promising broad new policies to cut America's greenhouse gas emissions. But Congress needs to act on those ideas this year. Democrats cannot risk losing narrow control of one or both chambers of Congress in the 2022 elections to a Republican Party too long resistant to meaningful action on the climate. So what's at issue? A trillion dollar **infrastructure bill** negotiated between Biden and a group of centrist senators (including 10 Republicans) is a start. In addition to repairing bridges, roads and rails, it would **improve access** by the nation's power infrastructure **to renewable energy sources,** **cap millions of abandoned oil and gas wells spewing greenhouse gases**, **and harden structures against climate change**. It also **offers tax credits for** the **purchase of electric vehicles** and funds the construction of charging stations. (**The nation's largest source of climate pollution are gas-powered vehicles**.) Senate approval could come very soon. Much **more is needed** if the nation is going to reach Biden's necessary goal of cutting U.S. climate pollution in half from 2005 levels by 2030. His ideas worth considering include a federal clean electricity standard for utilities, federal investments and tax credits to promote renewable energy, and tens of billions of dollars in clean energy research and development, including into ways of extracting greenhouse gases from the skies. Another idea worth considering is a fully refundable carbon tax. **The vehicle** for these additional proposals **would be a second infrastructure bill**. And if Republicans balk at the cost of such vital investment, Biden is rightly proposing to pass this package through a process known as budget reconciliation, which allows bills to clear the Senate with a simple majority vote. These are drastic legislative steps. But drastic times call for them. And when Biden attends a U.N. climate conference in November, he can use American progress on climate change as a mean of persuading others to follow our lead. Further delay is not an option.

## Case

### A2 Advantage

#### 1] Big Pharma patent monopolies have failed – their Thailand example proves – the patents were indefinitely banned.

Reuters 19 Staff. “Thailand to Revoke Foreign Patent Requests on Marijuana.” Reuters, Thomson Reuters, 28 Jan. 2019, www.reuters.com/article/us-thailand-cannabis/thailand-to-revoke-foreign-patent-requests-on-marijuana-idUSKCN1PM1FU. //sid

Thailand on Monday effectively revoked all foreign patent requests for the use of marijuana, after fears foreign firms would dominate a market thrown open last month when the government approved the drug for medical use and research. The junta-appointed parliament in Thailand, a country which until the 1930s had a tradition of using marijuana to relieve pain and fatigue, voted to amend the Narcotic Act of 1979 in December in what it described as “a New Year’s gift to the Thai people”. While countries from Colombia to Canada have legalized marijuana for medical or even recreational use, the drug remains illegal and taboo across much of Southeast Asia. But in Thailand, the main controversy with the legalization involved patent requests by two foreign firms, British giant GW Pharmaceuticals and Japan’s Otsuka Pharmaceutical, filed before the change to the law. Thai civil society groups and researchers feared domination by foreign firms could make it harder for Thai patients to get access to medicines and for Thai researchers to get marijuana extracts. ADVERTISEMENT The military government issued a special executive order on Monday enabling the Department of Intellectual Property to revoke all pending patents that involve cannabis, or remove marijuana from those patents, within 90 days. “The pending patent requests are illegal,” Somchai Sawangkarn, a member of parliament responsible for amending the Narcotic Act told Reuters. “This NCPO order is beneficial for Thai people across the country because it prevents a monopolistic contract,” he said referring to the junta by its official name, the National Council for Peace and Order. Reuters did not have contact details for spokesmen for either of the two foreign firms and the companies did not immediately respond to emailed requests for comment.

#### 2] Barnett has no internal to innovation in medical marijuana – it’s specific to farmers not being able to grow weed to sell, not medical research.

#### 3] No impact to marijuana innovation – we don’t need new types of weed. This doesn’t turn our innovation arguments because our link is that reduction in IP chills innovation for all medicine due to fear of spillover

#### 4] No Uniqueness – Biden wont’ legalize Marijuana at a federal level.

Kane 21 Kris Kane 3-26-2021 "Enjoy Marijuana? Joe Biden Doesn’t Care About You" <https://www.forbes.com/sites/kriskrane/2021/03/26/enjoy-marijuana-joe-biden-doesnt-care-about-you/?sh=4dec240e651d> (Senior Contributor at Forbes on the Weed Industry)//Elmer

This pattern of legalization supporters backpedaling to appease Joe Biden dates back to the campaign itself, where **Biden’s** **campaign** seemingly **sought to roll back years of progress** made by the Democratic Party since President Obama left office. In 2016 the Democratic Party platform included language calling for a “pathway” to legalization. Yet in 2020 **Biden’s campaign rejected** such language, removing any mentions of **meaningful cannabis policy reform** from the platform. When supporters tried to add a legalization plank back into the platform, even co-chair of the Congressional Cannabis Caucus Rep. Barbara Lee (D-CA) voted against it, presumably not to run afoul of the wishes of her party’s standard bearer despite her own strong support for legalization. Of course, none of this should be especially surprising. Joe **Biden’s record on marijuana**, drugs and crime **is** arguably **the worst** and most punitive of any Democratic politician of the past 50 years not named Diane Feinstein. He was an author and **champion** of the 1994 Crime Bill that is largely responsible **for** the current **mass incarceration** crisis in this country, and was the lead sponsor of the RAVE Act, one of the last pieces of draconian drug policy legislation passed by Congress that punished concert venue owners and promoters if drugs were used or sold at their events, even if they had no knowledge or involvement in the drug related activity. This is a politician who in 1974 said, “I don’t think marijuana should be legalized,” repeating that sentiment **as recently as 2010** when he **stated** “**I think legalization is a mistake**.” As Vice President in 2012 Biden had ““serious doubts that decriminalization would have a major impact on the earnings of violent criminal organizations,” and that “on examination you realize there are more problems with legalization than with non-legalization.”

#### 5] Medical Marijuana decreases Education Competitiveness

Gogek 13 (By Ed Gogek, M.D., addiction psychiatrist who lives in Prescott, Ariz “Why Democrats should steer clear of the marijuana lobby” Posted on July 6, 2013 http://thecaseagainstmarijuana.com/ date accessed: 9/10/14) TM

Marijuana legalization also runs counter to the Democratic commitment to education as the best way to keep our economy strong. States with medical marijuana laws have always had much higher rates of teenage marijuana use, but now the effect is nationwide. Since 2008, teen use in America has increased 40 percent, and heavy teen use (at least 20 times per month) is up 80 percent. The drive to legalize pot is mostly to blame. It sends the message that weed is harmless, even though research clearly shows that marijuana interferes with learning. Teens who smoke pot regularly do worse in school, are twice as likely to drop out, and earn less as adults. Research even shows that teenage marijuana use lowers IQ and the effect appears to be permanent. No other drug, not even alcohol, affects academic performance like marijuana. How can we call education crucial for a competitive America, and then support laws that will blunt the next generation’s ability to compete?

#### Competitiveness key to solve greater power wars

Baru 9 (Sanjaya Baru Professor at the Lee Kuan Yew School of Public Policy and Institute of South Asian Studies “Year of the power shift?,” January 2009, <http://www.india-seminar.com/2009/593/593_sanjaya_baru.htm>)

The management of the economy, and of the treasury, has been a vital aspect of statecraft from time immemorial. Kautilya’s Arthashastra says, ‘From the strength of the treasury the army is born. …men without wealth do not attain their objectives even after hundreds of trials… Only through wealth can material gains be acquired, as elephants (wild) can be captured only by elephants (tamed)… A state with depleted resources, even if acquired, becomes only a liability.’4 Hence, economic policies and performance do have strategic consequences.5 ¶ In the modern era, the idea that strong economic performance is the foundation of power was argued most persuasively by historian Paul Kennedy. 'Victory (in war)', Kennedy claimed, 'has repeatedly gone to the side with more flourishing productive base'.3 Drawing attention to the interrelationships between economic wealth, technological innovation, and the ability of states to efficiently mobilize economic and technological resources for power projection and national defence, Kennedy argued that nations that were able to better combine military and economic strength scored over others. ¶ 'The fact remains', Kennedy argued, 'that all of the major shifts in the world's military-power balance have followed alterations in the productive balances; and further, that the rising and falling of the various empires and states in the international system has been confirmed by the outcomes of the major Great Power wars, where victory has always gone to the side with the greatest material resources'.4 ¶ In Kennedy's view, the geopolitical consequences of an economic crisis, or even decline, would be transmitted through a nation's inability to find adequate financial resources to simultaneously sustain economic growth and military power.

#### 6] Decreasing cartel revenue causes cartel lash-out and diversification – also answers their terror scenario because cartels will survive

Murray et al 11 Chad Murray et al 11, Ashlee Jackson Amanda C. Miralrío, Nicolas Eiden Elliott School of International Affairs/Inter-American Drug Abuse Control Commission: Capstone Report April 26, 2011 “Mexican Drug Trafficking Organizations and Marijuana: The Potential Effects of U.S. Legalization” //re-cut by Elmer

Mexican DTOs would likely branch into other avenues of crime. Perhaps the most obvious short-term effect of marijuana legalization is that this would rob the Sinaloa and Tijuana cartels of up to half of their total revenue.117 The economic strain placed on the Sinaloa cartel and Tijuana cartel may not necessarily help Mexico in the short term. The short-term effects of legalization could very well create chaos for Mexico. “The cartels compensate for their loss of drug revenue by branching out into other criminal activities--kidnapping, murder-for-hire, contraband, illegal ¶ 29 ¶ immigrant smuggling, extortion, theft of oil and other items, loan-sharking, prostitution, selling protection, etc.”118 This means that if the social and economic environment remains the same then “they are not going to return to the licit world.”119 If the Sinaloa cartel and the Tijuana cartel turn towards activities like kidnapping, human trafficking and extortion, it could lead to a spike in violence that would prove to be destabilizing in those organizations‟ areas of operation. ¶  *The Sinaloa cartel and Tijuana cartel might splinter into smaller groups.* In addition, the loss of more than 40% of revenue would probably force them to downsize their operations. Like any large business going through downsizing, employees will likely be shed first in order to maintain profitability.120 These former DTO operatives will likely not return to earning a legitimate income, but rather will independently find new revenue sources in a manner similar to their employers. Therefore it is possible that the legalization of marijuana in the United States could cause territories currently under the control of the Sinaloa cartel and Tijuana cartel to become more violent than they are today. This is troubling, as Sinaloa, Baja California, Sonora, and Chihuahua states are already among the most violent areas of Mexico.121

#### Expanding legalized weed doesn’t collapse cartels- they are diversified

Killebrew 11 (Robert. June. Colonel Robert Killebrew, usa (Ret.), is a senior Fellow at the Center for a New American security. “Criminal Insurgency in the Americas and Beyond” Prism. Published by the Center for Complex Operations. Vol 2. No. 3) 5/30/14 RK

No subject is liable to be more controversial than the question of whether to legalize drugs in the United States. The often repeated belief that legalization would defeat the cartels breaks down on the data. As stated previously, the drug cartels have reached a stage of development that would ensure their continued operation during any transition to legalized drugs on the part of the United States and beyond. It is highly unlikely that the legalization of drugs— some or even all drugs—in the United States would end the threat from these organizations. The cartels and other drug trafficking organizations are multifaceted criminal enterprises dedicated to making profits from any activity that brings in money. Although the majority of their income comes from illicit drugs, they also engage in other violent and white-collar crimes. The assorted cartels—the Mexican cartels, the FARC, and other organizations—are a new kind of transnational criminal organization, taking advantage of the global black economy not only to move drugs, but also to support human trafficking, prostitution, identity theft, arms trading, illicit financial transactions, and so forth. They have powerful state sponsors in a global network of illicit commerce. For the United States to turn to legalization as a primary strategy against the cartels would be a shot in the dark, particularly when other strategies to decrease drug use have been effective.

#### Mexico stable now

Stott 6-13 Michael Stott 6-13-2021 "Why López **Obrador’s Mexico is stable** **in protest-prone Latin America**" <https://www.ft.com/content/552951be-7e8f-4fbc-a85d-7814cc519265> (Michael Stott is the Latin America editor of the Financial Times based in London. He was previously in Tokyo as managing editor of the Nikkei Asian Review, a sister publication covering Asian business and politics. Prior to that he was the FT's UK news editor.)//Elmer

As Latin America’s presidents battle a pandemic that has hit their people and economies harder than any other region, something uniting them is their unpopularity. Chile’s Sebastián Piñera and Colombia’s Iván Duque have approval ratings of roughly 18 per cent; Brazil’s Jair Bolsonaro’s rating stands at 24 per cent and Argentina’s Alberto Fernández is on 32 per cent, according to recent surveys. Peru has gone through four presidents in a year. **Social unrest is sweeping the region**. Long but ineffective lockdowns, scandals over early vaccinations for the well-connected, overloaded public health services and inadequate support for the most vulnerable have fuelled popular anger. Even before the pandemic, most Latin Americans had little faith in their governments. “In May, 80 per cent of Latin Americans said their country was on the wrong track,” said Jean-Christophe Salles, Latin America chief of the pollster Ipsos. “In this context, Latin American presidents appear with a very low level of approval”. **The exception**, he added, **was Mexico**. Nearing the midpoint of his six-year term on Sunday last week, President Andrés Manuel López **Obrador** and his allies **won a string of state governorships and** a fresh **congressional majority** — victories his peers in the region could only dream about. As he revelled in his electoral successes at a news conference on Tuesday, López Obrador heard his ministers announce that almost **one in three of Mexico’s adult population had been vaccinated and schools were reopening**. “As we faced the pandemic and there was an economic crisis . . . what did they ask me to do?” the president said, referring to Mexico’s elite. “To rescue those at the top — and we opted to support from the bottom up, because that is how it should be, for the sake of humanism, social justice and security”.

### A2 Plan/Solvency

#### 1] 1AC Kellner undermines aff solvency – it concedes that shortening patent windows will be compensated by increasing profitability, but the aff scenario is reliant on increasing access by lowering prices

#### 2] The card is not saying that delaying enforcement causes innovation – it just incentivizes finding legal loopholes or shutting down the businesses.

Recut Kellner 21 “Mitigating the Effects of Intellectual Property Colonialism on Budding Cannabis Markets” Hughie Kellner [Hughie Kellner came from the small farm town of Uvalde, Texas and received a bachelor’s degree in Physics from the University of Texas at Austin. Upon graduation from the Indiana University Maurer School of Law, Hughie will deploy his physics degree while prosecuting patents in the Frankfurt am Main, Germany office of Leydig, Voit, & Mayer. After Hughie’s first year at Maurer, he worked for a law firm in Thailand as a Stewart Fellow.] Indiana Journal of Global Legal Studies Vol. 28 #1 (Winter 2021) <https://www.repository.law.indiana.edu/ijgls/vol28/iss1/9/> SM //rehighlighted sid

Third, if actors are utilizing technology under such currently unenforceable but soon-to-be enforceable patents, they will have clear notice when they must cease such infringing action, and either close their doors or develop a compliant way of doing business. Thus, actors in the market can establish themselves and then innovate their own means of carrying out business or license it from those who do. This is the exact action patents are meant to incentivize, innovating new solutions to problems, even if the problem here is merely a legal one.110