# 1NC Valley RR R5

## 1

**Interp: The affirmative must defend medicines as a general principle, not a subset**

**Leslie 12** Leslie, Sarah-Jane. “Generics.” In Routledge Handbook of Philosophy of Language, edited by Gillian Russell and Delia Fara, 355–366. Routledge, 2012.<https://www.princeton.edu/~sjleslie/RoutledgeHandbookEntryGenerics.pdf> SM

GENERICS VS. EXISTENTIALS The interpretation of sentences containing bare plurals, indefinite singulars, or definite singulars can be either generic as in (1) respectively or existential/specific as in (2): (1) Tigers are striped A tiger is striped The tiger is striped. (2) Tigers are on the front lawn A tiger is on the front lawn The tiger is on the front lawn. The subjects in (1) are prima facie the same as in (2), yet their interpretations in (1) are intuitively quite different from those in (2). In (2) we are talking about some particular tigers, while in (1) we are saying something about tigers in general. There are some tests that are helpful in distinguishing these two readings. For example, the existential interpretation is upward entailing, meaning that the statement will always remain true if we replace the subject term with a more inclusive term. For example, if it is true that tigers are on the lawn, then it will also be true that animals are on the lawn. This is not so if the sentence is interpreted generically. For example, it is true that tigers are striped, but it does not follow that animals are striped (Lawler 1973 Laca 1990; Krifka et al 1995). Another test concerns whether we can insert an adverb of quantification (in the sense of Lewis 1975) with minimal change of meaning (Krifka et al 1995). For example, inserting “usually” in the sentences in (1) (e.g. “tigers are usually striped”) produces only a small change in meaning, while inserting “usually” in (2) dramatically alters the meaning of the sentence (e.g. “tigers are usually on the front lawn). (For generics such as “mosquitoes carry malaria”, the adverb “sometimes” is perhaps better used than “usually”.)

**Applies to medicines - a] upward entailment test - nations should reduce protections for medicines doesn’t entail they should reduce protections for chemicals b] adverb test - nations ought to usually reduce protections for medicines doesn’t substantially change the meaning. Err neg - if the topic committee wanted you to spec, they would’ve done it for you.**

**Standards**

1. **Precision outweighs - anything outside the res is arbitrary and unpredictable because the topic determines prep, not being bound by it lets them jettison any word. Aff arguments are non-unique since a] it relies on semantics to convey those messages and b] pragmatics can be discussed anytime while we only have 2 months to discuss the wording of this unique topic**
2. **Limits and Ground - decimates clash by exploding limits to infinite current and to be developed medicines total up to infinite affs plus permutations each with different economic, health, and political conditions which makes contesting the aff with unifying neg ground impossible and means they can always pick the most aff skewed medicine. Means a] we always have an irreciprocal research burden since we have to prepare for infinite combinations of affs b] our arguments aren’t researched in depth worsening clash and c] worsens small school accessibility by infinitely multiplying their caselist**
3. **TVA – read your aff as an advantage under whole res – we still get your content education and sufficient aff ground by switching up aff advantages, frameworks, implementation, etc. The existence of pics doesn’t answer this - a] 1ar theory checks b] plans incentivize more generic cheaty counterplans since nothing else links and c] preemptive abuse doesn’t justify actual abuse or they’ll read 50 a prioris to answer 40 condo pics**
4. **Reasons that specification is good are an independent shell for us - if specifying medicines was good, you should have also specified IP protections, member nations, etc**

**Fairness and education are voters – debate’s a game that needs rules to evaluate it and it teaches portable skills that we use lifelong. Drop the debater - severance kills 1NC strat construction—1AR restart favors aff since it’s 7-6 time skew and they get 2 speeches to my one. No rvi - a) they’ll bait theory and prep it out with aff infinite prep—justifies infinite abuse and chilling us from checking abuse in fear of things like 2ar ethos which lets them recontextualize and always seem right on the issue b) forces the NC to go 7 minutes of theory because nothing else matters--outweighs because its the longest speech and the 2nr can never recover since the nc is our only route to generate offense. Competing interps - a) reasonability’s arbitrary & forces judge intervention especially with 2ar recontextualizations to always sound like the more reasonable debater b) norm setting - we find the best possible norms c) reasonability collapses - you use offense/defense paradigm to evaluate brightlines**

## 2

**Interp: The affirmative must delineate what intellectual property protections they reduce in the 1AC**

**Its a vague and ambiguous term with no meaning**

Richard M. **Stallman, 2018**/12/15, Did You Say “Intellectual Property”? It's a Seductive Mirage <https://www.gnu.org/philosophy/not-ipr.en.html> //SR

It has become fashionable to toss copyright, patents, and trademarks—three separate and different entities involving three separate and different sets of laws—plus a dozen other laws into one pot and call it “intellectual property”. The distorting and confusing term did not become common by accident. Companies that gain from the confusion promoted it. The clearest way out of the confusion is to reject the term entirely. According to Professor Mark Lemley, now of the Stanford Law School, the widespread use of the term “intellectual property” is a fashion that followed the 1967 founding of the World “Intellectual Property” Organization (WIPO), and only became really common in recent years. (WIPO is formally a UN organization, but in fact represents the interests of the holders of copyrights, patents, and trademarks.) Wide use dates from around 1990. (Local image copy) The term carries a bias that is not hard to see: it suggests thinking about copyright, patents and trademarks by analogy with property rights for physical objects. (This analogy is at odds with the legal philosophies of copyright law, of patent law, and of trademark law, but only specialists know that.) These laws are in fact not much like physical property law, but use of this term leads legislators to change them to be more so. Since that is the change desired by the companies that exercise copyright, patent and trademark powers, the bias introduced by the term “intellectual property” suits them. The bias is reason enough to reject the term, and people have often asked me to propose some other name for the overall category—or have proposed their own alternatives (often humorous). Suggestions include IMPs, for Imposed Monopoly Privileges, and GOLEMs, for Government-Originated Legally Enforced Monopolies. Some speak of “exclusive rights regimes”, but referring to restrictions as “rights” is doublethink too. Some of these alternative names would be an improvement, but it is a mistake to replace “intellectual property” with any other term. A different name will not address the term's deeper problem: overgeneralization. There is no such unified thing as “intellectual property”—it is a mirage. The only reason people think it makes sense as a coherent category is that widespread use of the term has misled them about the laws in question. The term “intellectual property” is at best a catch-all to lump together disparate laws. Nonlawyers who hear one term applied to these various laws tend to assume they are based on a common principle and function similarly. Nothing could be further from the case. These laws originated separately, evolved differently, cover different activities, have different rules, and raise different public policy issues. For instance, copyright law was designed to promote authorship and art, and covers the details of expression of a work. Patent law was intended to promote the publication of useful ideas, at the price of giving the one who publishes an idea a temporary monopoly over it—a price that may be worth paying in some fields and not in others. Trademark law, by contrast, was not intended to promote any particular way of acting, but simply to enable buyers to know what they are buying. Legislators under the influence of the term “intellectual property”, however, have turned it into a scheme that provides incentives for advertising. And these are just three out of many laws that the term refers to. Since these laws developed independently, they are different in every detail, as well as in their basic purposes and methods. Thus, if you learn some fact about copyright law, you'd be wise to assume that patent law is different. You'll rarely go wrong! In practice, nearly all general statements you encounter that are formulated using “intellectual property” will be false. For instance, you'll see claims that “its” purpose is to “promote innovation”, but that only fits patent law and perhaps plant variety monopolies. Copyright law is not concerned with innovation; a pop song or novel is copyrighted even if there is nothing innovative about it. Trademark law is not concerned with innovation; if I start a tea store and call it “rms tea”, that would be a solid trademark even if I sell the same teas in the same way as everyone else. Trade secret law is not concerned with innovation, except tangentially; my list of tea customers would be a trade secret with nothing to do with innovation. You will also see assertions that “intellectual property” is concerned with “creativity”, but really that only fits copyright law. More than creativity is needed to make a patentable invention. Trademark law and trade secret law have nothing to do with creativity; the name “rms tea” isn't creative at all, and neither is my secret list of tea customers. People often say “intellectual property” when they really mean some larger or smaller set of laws. For instance, rich countries often impose unjust laws on poor countries to squeeze money out of them. Some of these laws are among those called “intellectual property” laws, and others are not; nonetheless, critics of the practice often grab for that label because it has become familiar to them. By using it, they misrepresent the nature of the issue. It would be better to use an accurate term, such as “legislative colonization”, that gets to the heart of the matter. Laymen are not alone in being confused by this term. Even law professors who teach these laws are lured and distracted by the seductiveness of the term “intellectual property”, and make general statements that conflict with facts they know. For example, one professor wrote in 2006: Unlike their descendants who now work the floor at WIPO, the framers of the US constitution had a principled, procompetitive attitude to intellectual property. They knew rights might be necessary, but…they tied congress's hands, restricting its power in multiple ways. That statement refers to Article 1, Section 8, Clause 8 of the US Constitution, which authorizes copyright law and patent law. That clause, though, has nothing to do with trademark law, trade secret law, or various others. The term “intellectual property” led that professor to make a false generalization. The term “intellectual property” also leads to simplistic thinking. It leads people to focus on the meager commonality in form that these disparate laws have—that they create artificial privileges for certain parties—and to disregard the details which form their substance: the specific restrictions each law places on the public, and the consequences that result. This simplistic focus on the form encourages an “economistic” approach to all these issues. Economics operates here, as it often does, as a vehicle for unexamined assumptions. These include assumptions about values, such as that amount of production matters while freedom and way of life do not, and factual assumptions which are mostly false, such as that copyrights on music supports musicians, or that patents on drugs support life-saving research. Another problem is that, at the broad scale implicit in the term “intellectual property”, the specific issues raised by the various laws become nearly invisible. These issues arise from the specifics of each law—precisely what the term “intellectual property” encourages people to ignore. For instance, one issue relating to copyright law is whether music sharing should be allowed; patent law has nothing to do with this. Patent law raises issues such as whether poor countries should be allowed to produce life-saving drugs and sell them cheaply to save lives; copyright law has nothing to do with such matters. Neither of these issues is solely economic in nature, and their noneconomic aspects are very different; using the shallow economic overgeneralization as the basis for considering them means ignoring the differences. Putting the two laws in the “intellectual property” pot obstructs clear thinking about each one. Thus, any opinions about “the issue of intellectual property” and any generalizations about this supposed category are almost surely foolish. If you think all those laws are one issue, you will tend to choose your opinions from a selection of sweeping overgeneralizations, none of which is any good. Rejection of “intellectual property” is not mere philosophical recreation. The term does real harm. Apple used it to warp debate about Nebraska's “right to repair” bill. The bogus concept gave Apple a way to dress up its preference for secrecy, which conflicts with its customers' rights, as a supposed principle that customers and the state must yield to. If you want to think clearly about the issues raised by patents, or copyrights, or trademarks, or various other different laws, the first step is to forget the idea of lumping them together, and treat them as separate topics. The second step is to reject the narrow perspectives and simplistic picture the term “intellectual property” suggests. Consider each of these issues separately, in its fullness, and you have a chance of considering them well. And when it comes to reforming WIPO, here is one proposal for changing the name and substance of WIPO.

**Standards:**

1. **Strat Skew and Clash - 1ar’s can skirt clash and moot neg ground by no linking IP specific disads or pics and making the normal means debate late breaking e.g. no counterfeit drug DA if you don’t defend trademarks**
2. **Resolvability - judges can’t know who to vote for if they don’t understand what each side is defending which also denies negs to make rigorous and nuanced strategies. Outweighs - all arguments presume you can resolve them**
3. **Worst case neg on presumption - policies inevitably fail if policymakers can’t hash out the specifics - our evidence gives empirical examples**

**Cx doesn’t check - a] prep skew - we were forced to prep a 1NC that hedges around the potential of you not speccing and had to prep multiple case negs b] incentivizes infinite abuse and hope you don’t get called out since its no risk if we ask you and you can strategically not meet then get extra time in cx to prep the shell since we asked c] non verifiable since judges don’t flow it d] no brightline to what constitutes a check**

## 3

#### CP Text: Member States of the WTO ought to reduce intellectual property predictions for diabetes medicines except trademarks

Solves the aff - drug prices are about patents - shifting proves the abuse on spec shell

#### Trademarks are the best IP to combat counterfeiting- enforcement and remedies are much better than patents alone

**Konski 8** Antoinette Konski (Partner, Biotechnology & Pharmaceutical Practice Foley & Lardner LLP), IP Strategies to Combat Distribution of Counterfeit Drugs, BIOPROCESS INT’L, 1, 4 (2008)/SJKS

Because **trademarks seek to prevent exactly what counterfeiters seek to obtain**, i.e. the economic benefit and investment in product integrity of the manufacturer, a strong **trademark is the most valuable type of intellectual property that can be used to combat counterfeiting**. Similar to patents, **trademarks are enforceable on a country-by-country basis**, and therefore trademark protection must be obtained in each country where the product is made or distributed.11 **However, in contrast to patents, trademarks are not limited to a finite period of time but can extend as long as the trademark is used in commerce in connection with the product**. Trademarks are used to identify the source of goods or services. Words, names, numbers, symbols, devices, designs, sounds, and colors that function as brands to distinguish the source of goods and their packaging may be registered as trademarks. The colors of pills as well as their shape may be trademarked. In contrast to patents, a trademark cannot be obtained on the process of making the product or medicine and does not protect the innovation of the underlying product. **However, trademarks are available to generic manufacturers** who identify their products with a unique logo or other identifying mark or property. Misappropriated trademarks mislead consumers by copying the unique name, logo, product packaging, shape and/or color used by the manufacturer on the genuine product or packaging, thus confusing consumers as to the actual source, and quality, of the product. Therefore, all unique aspects of the product and packaging should be considered as worthy of trademark protection and the company’s trademark should be applied as frequently as possible, e.g., on the pill itself, on both inner and outer packaging, etc. All modifications of the label, such as the product logo or other unique identifying descriptive marks should be protected in the language of the country where the product is to be sold. **As compared to patents, obtaining and enforcing trademark rights are typically less costly, and a final enforceable judgment is usually obtained faster than in a patent infringement action.** Indeed, evaluation of whether a trademark is likely to be infringed can be limited to a visual inspection rather than a complicated analysis of the patented technology. **Most significantly, however, in many countries trademark owners can have the counterfeit goods and accompanying documents, and even sometimes manufacturing equipment immediately seized at the outset of the lawsuit. Such powerful preliminary remedies are generally not available in patent lawsuits and can lead to swift resolution of the action.**

**Trademarks are key**

Ancevska-**Netkovska et al 20** [Katerina Ancevska-Netkovska, Katerina Brezovska, Nikola Geskovski, Jasmina Tonik-Ribarska, Biljana Petrovska-Jakimovska, Blagoj Achevski, Katerina Goracinova (check article for creds of each author), “The role of intellectual property rights and packagе safety features in the prevention of counterfeit medicines,” Arh. farm. 2020; 70: 332 – 343, <https://scindeks-clanci.ceon.rs/data/pdf/0004-1963/2020/0004-19632006332A.pdf>] /TriumphDebate RCT//SR

The fast growth of counterfeiting medicines in the last two decades has created one of the biggest problems facing the pharmaceutical industry on the global level. This problem addressed from the pharmaceutical industry aspect is mainly seen as a problem of a trade competition by unauthorized use of the intellectual property of the pharmaceutical industry, resulting in loss of income, product withdrawal, loss of brand value, etc. (1). Also, the global rise in online pharmacies, have widened the market for falsified drugs, which is a serious threat to public health and safety as falsified medicinal products bypass the common distribution routes and easily reach the public (2). Therefore, this problem is much more significant if being addressed as a public health risk, because of the severe consequences that may cause to the patient's health starting from lower therapeutic potential to serious side effects that can result in death. Hence, this problem should be considered primarily from a public health perspective, but also as an intellectual property concern. Taking into account that counterfeiting of medicines is an organized crime, violating both the laws for the medicines and medical devices and regulations for the protection of the intellectual property rights of the pharmaceutical industry, the approaches for solving this issue should be based on an integrated and multilateral methodology. They should be supported by cooperation between the authorities involved, such as public health authorities and medicines agencies, as well as customs and police authorities at a national, regional, and international level, assisted by the pharmaceutical industry (3–7). The first step that must be taken for the prevention of counterfeit medicines is the establishment, implementation, and enforcement of legislation and regulatory infrastructure concerning: Legislation in the field of healthcare and pharmacy Legislation in the field of protection of intellectual property rights; Legislation in the field of trading – customs legislation, the legislation of transportation and storage; Legislation in the field of fight against organized crime – discovery and sanction of the falsified medicines; In July 2011, the European Union (EU) strengthened patient and consumer protection by the introduction of new directive 2011/62/EU also known as EU Falsified Medicines Directive (EU FMD) (8) aimed to prevent counterfeit medicines from entering the supply chain and reaching the patient. Тhe directive introduced harmonized safety and strengthened control measures throughout the whole of Europe by applying standards which include the introduction of safety features of the packaging of medicines, strengthened requirements for active substances and medicine distribution as well as regulation of internet sale of drugs (9). The Commission Delegated Regulation 2016/161 defines the requirements for the identification and confirmation system of the authenticity 334 of the medicines in the distribution chain using package safety features (Unique Identifier and Anti tampering device). According to this Regulation, the identity and authenticity of medicinal products are guaranteed by an end-to-end verification of all medicinal products bearing the safety features (10). To minimize the online-based falsified medicine frauds, the abovementioned Regulation and Directive also introduced a common logo for the websites of legal online pharmacies and approved merchants allowing the patients and consumers to easily identify authorized online pharmacies with approved and authenticated medicines. The national laws regulate the protection of intellectual property rights, and additionally, the Trade-related Aspects of Intellectual property rights (TRIPS) Agreement is applicable on an international level. Pharmaceutical manufacturers have a crucial role in the prevention and early detection of counterfeited medicines, by the establishment of a strategy for the protection of their intellectual property rights and by providing transparency and traceability with an application of new technologies for identification and confirmation of the authenticity of the products in all stages of the distribution chain. Intellectual property rights in the prevention of counterfeit medicines Intellectual property rights (IPRs) play a vital role in the modern economy, being a robust tool, for the protection of the investments, time, money, and effort of the intellectual property inventor, granting him an exclusive right for using his invention for a specific period. IPRs are defined as mechanisms for the protection of ideas, patents, and innovations, taking into consideration the protection of trademarks, industrial design, or copyrights in every link of the supply chain, and are an essential tool in the fight against counterfeit medicines (11). But, in consideration of the role of the intellectual property rights in the prevention of counterfeit medicines, the restricted period of validity of IPRs, and the exclusivity of the innovator's idea, the patent or the innovation must be taken into account. Additionally, the patent provides exclusive rights with a chance for industrial applicability of the innovation or achieving society value (12). The main issue of patent protection is the obligatory publication of technical information that can be useful for counterfeiters. The patent rights have invaluable importance, for the brand protection of pharmaceutical products as well as the protection of their trademarks. Pharmaceutical product brands are designed for the promotion and recognition of pharmaceutical companies, and also for gaining loyalty and trust by the customers. Branded products also dictate the market price when compared to non-protected, non-branded, and generic medicines, giving the benefit to the pharmaceutical industry from the investment in protection and conduction of suitable strategy for protection of 335 intellectual property. Patients are aware of paying a higher price for branded medicine, with gained trust in comparison to a medicine that has not been recognized as a brand (13). Building up a brand involves time and investment for every manufacturer, which in combination with a good marketing campaign, results in a dominant role in the market and enormous profit. Consumer opinion for the brand can change through time, in a positive or negative connotation. Unwanted events can cause damage to the image, and the value of the brand, so-called "brand erosion". Brand erosion phenomenon can be subtle and gradual or catastrophic and unexpected. Information about the counterfeited product, mentioning the name of the original brand and holder of corporate rights, may gradually project a negative image in the customer perspective, causing damage in the future marketing of the branded product. In these cases, the patients may search for alternative medicine from another manufacturer. Recovery of the market share loss and renewal of the image of the brand, requires additional marketing costs, causing profit loss. Furthermore, the downfall of the brand can reduce the confidence of the public in the pharmaceutical company, affecting the marketing of other products of the manufacturer. The price that pharmaceutical companies pay, as a result of the counterfeit medicines, is high. The effects of this phenomenon on the pharmaceutical industry include reduction of employment, reduction in the investments in research and development, and at the same time investment of a lot of money in marketing to rebuild the clients' trust. Before being released for use and market, branded medicines manufactured by the pharmaceutical companies go through many regulatory filters to ensure that the products are safe, efficient, and of suitable quality. Additionally, the pharmaceutical industry has to invest in building the trust of doctors, pharmacists, and the public and convince them that they are prescribing the best medicine for a patient's needs. By using the Internet, patients have easier access to information about the medicines and an option to participate in the selection of suitable medication for their needs. But the available information usually does not include the authenticity check of the medicine (14). If the quality and safety of medicines are questionable for the public then the trust in the whole medical system will be lost, harming the pharmaceutical industry as well, as financial loss.

#### TENS OF THOUSANDS DIE EACH YEAR AS THE RESULT OF FAKE DRUGS

**Magdun 21** Melanie Magdun (JD candidate, Indiana University of Law), Trademark Enforcement of Counterfeit Drugs: A Guardian of the Rich and Poor Alike, 9 Ind. J.L. & Soc. Equality 281 (2021)./SJKS

There are more detected cases of counterfeit drugs in Africa than in any other region of the world.100 Along with the reasons mentioned above, t**hese counterfeit drugs are especially prevalent in Africa due to the desire for affordable medicine, so much so that even some pharmacists admit to purchasing medicine from the cheapest, but not always the safest, drug suppliers**.101 Furthermore, many African nations are led by corrupt governments that either fail to regulate the counterfeit market or sympathize with small business owners even if they are “engaging in the counterfeit drug trade.”102 **The types of drugs counterfeited in Africa are most commonly crucial, life-saving drugs for diseases such as malaria**.103 For every one million people who die from malaria, **up to forty-five percent of the deaths were affected by counterfeit medicine**.104 One WHO report estimated that “**at least 72,000 children die of pneumonia and 69,000 people die of malaria each year as a result of falsified or substandard treatments**.”105 While counterfeit drugs have been an issue in Africa for decades, the issue is not likely to go away anytime soon, especially due to the incredible growth rate of the continent’s pharmaceutical market.106 It was predicted that the market would triple and reach $65 billion by 2020.107 As Africa becomes more popular for pharmaceutical companies, it will begin to attract additional counterfeiters.1

#### And online access exacerbates the counterfeit diabetes medicines

**Fincham 21** Fincham, Jack E. “Negative Consequences of the Widespread and Inappropriate Easy Access to Purchasing Prescription Medications on the Internet.” *American health & drug benefits*vol. 14,1 (2021): 22-28./SJKS

Cheng and Gedeon examined the impact of online access to counterfeit diabetes drugs and supplies.[**27**](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8025924/#R27)**They note that the increasing costs of diabetes medicines and supplies has resulted in patients looking for cheaper alternatives, which often may be counterfeit, to manage their diabetes.** Counterfeiters are now entering the mainstream pharmaceutical and device markets with more sophistication, which makes these drugs and devices harder to detect. These drugs and devices may include adulterated oral or injectable diabetes medications, and blood glucose test strips and measuring devices.[27](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8025924/#R27)

**Plan supercharges the impact- not every counterfeit drug is harmful and some are ineffective, but ineffective diabetes medicines kill**

## 4

#### The United States ought to implement a universal healthcare system including free insulin

#### IP isn’t the problem stopping insulin access or the bad innovation, it’s long-standing corruption that forces any entering companies to have extremely long and expensive trials

**Goozner PhD 20**

Merril Goozner (PhD and literally wrote the book on overpriced drugs, called “The 800$ pill), Winter 2020, "Insulin Should Be Free. Yes, Free.," Democracy Journal,<https://democracyjournal.org/magazine/55/insulin-should-be-free-yes-free/> // AW

Insulin Should Be Free. Yes, Free. It wouldn’t be very complicated, and it wouldn’t be nearly as expensive as you think—around $10 billion a year. The impacts would be profound. Charles H. Best and Frederick Banting, co-discoverers of insulin. Predatory pricing by the insulin cartel has triggered a public health crisis. Diabetics are dying after self-rationing their overpriced insulin. The past decade’s exorbitant price hikes have left patients stranded like oxygen-starved hikers on Mount Everest. The insulin debacle has become the public face of a much broader crisis. Sharp increases in out-of-pocket costs have left millions of patients unable to afford their medications. A large majority of Americans now rank the high cost of drugs as their top health-care concern, according to a recent Kaiser Family Foundation poll. And of all the prescription-drug horror stories out there, insulin is the worst. The insulin story illustrates everything that is wrong with the contemporary drug marketplace. Insulin, which is usually produced naturally by the pancreas to process sugar in the blood, was first isolated and used to prevent death from diabetes in the 1920s. Biosynthetic versions of human insulin were invented more than three decades ago and are no longer patented. Yet, the three-firm cartel that controls the insulin market—Eli Lilly, Sanofi, and Novo Nordisk—still does not face competition from low-cost generics, which typically come to market at a small markup above their manufacturing cost (not the 500 percent markups typical of still-patented branded drugs). Why? Those firms have been primary beneficiaries of a well-funded biotechnology industry campaign that convinced the Food and Drug Administration (FDA) to require long and expensive clinical trials for any biosimilars (the industry name for biosynthetic generics), which makes their cost much closer to the brand-name originals. About a quarter of the nation’s 30 million diabetics require insulin, without which they either die or suffer debilitating health consequences. Democratic Senator Amy Klobuchar highlighted the crisis by bringing a Minnesota constituent, Nicole Smith-Holt, to the 2019 State of the Union address. Smith-Holt’s 26-year-old son Alec, a Type 1 diabetic, died in 2017 from an acute case of ketoacidosis, the acid buildup in the blood that results from inadequate insulin, after being forced off his mother’s insurance plan when he turned 26. The $1,300-a-month he had to pay out-of-pocket for insulin was $200 more than his biweekly paycheck. Klobuchar and her Iowa Republican colleague Charles Grassley have included an accelerated pathway for biosimilars in their proposed legislation that would end the patent games drug companies use to delay generics entering the market.

#### Implementing a UHC system gets insulin to the uninsured

**Goozner PhD 20**

Merril Goozner (PhD and literally wrote the book on overpriced drugs, called “The 800$ pill), Winter 2020, "Insulin Should Be Free. Yes, Free.," Democracy Journal,<https://democracyjournal.org/magazine/55/insulin-should-be-free-yes-free/> // AW

Later in the year, on the eve of the second Democratic Party debate, Senator Bernie Sanders, who has made Medicare-for-All his signature policy proposal, took a busload of diabetics to Canada to purchase insulin that is one-tenth the United States price. **Sanders’s single-payer system would go beyond negotiating lower prices** as is done in Canada and other industrialized nations. **It would completely eliminate the copays and deductibles that stand in the way of many patients**—including some who are well-insured—getting the medications they need. That our health-care system fails to provide essential medicines to people who face immediate death or injury without them is morally outrageous. The pricing and access policies of profit-seeking drug companies also make that failure quite literally a human rights violation. Those companies—and the government that fails to control them—are flagrantly ignoring the World Health Organization’s constitution, which calls “the highest attainable standard of health a fundamental right of every human being.” The document, which the United States signed in 1946, also says that “understanding health as a human right creates a legal obligation on states to ensure access to timely, acceptable, and affordable health care of appropriate quality.”

#### Insulin needs to made free DIRECTLY – even after IP removal, likely new laws + industry subsidies to keep big pharma in power

**Goozner PhD 20**

Merril Goozner (PhD and literally wrote the book on overpriced drugs, called “The 800$ pill), Winter 2020, "Insulin Should Be Free. Yes, Free.," Democracy Journal,<https://democracyjournal.org/magazine/55/insulin-should-be-free-yes-free/> // AW

But flagrant violations of international norms have not convinced Congress to put an end to this human rights abuse. The drug industry’s protectors include virtually every member of the Republican Party, which marches in lockstep with the army of lobbyists deployed by Big Pharma. Last year, the drug industry spent $169.8 million on lobbying, more than any other industry. It’s on track to spend even more this year, having poured $129.4 million into its Washington influence machine through September, according to the Center for Responsive Politics. Despite their numerous protests, many Democratic Party leaders remain conflicted about how to solve the problem. Too many legislators buy into the industry’s assertions that high prices are necessary to incentivize innovation. Most Democrats also accept drug and insurance industry campaign contributions, making them reluctant to pursue dramatic changes in the status quo. And conflicted members are in key positions for making policy. Since the beginning of 2019, New Jersey Democratic Representative Frank Pallone, chairman of the House Energy and Commerce Committee, raised $130,700 from medical professionals and $66,500 from drug companies, which together represented nearly 13 percent of his total campaign contributions. Democrat Anna Eshoo, who chairs that committee’s health subcommittee and is a vocal defender of her Silicon Valley district’s biotech companies, raised $115,700 from Big Pharma and $106,350 from medical professionals. That is fully 26 percent of her campaign contributions so far this year. Drug and biotechnology companies are concentrated in areas (eastern Pennsylvania/New Jersey, Boston, and San Francisco/Silicon Valley) that are heavily Democratic.