

NEW MECHANISMS TO ESTABLISH MAXIMUM SALE PRICES TO THE PUBLIC OF PATENTED MEDICINES

Yesterday, the majority parliament group of the Senate, represented by the Morena party, introduced a bill amending article 31 of the General Health Law, whose sole purpose is to modify the current scheme for setting maximum sale prices of patented medicines and supplies.

In summary, this bill considers that, under article four of the Political Constitution of the United Mexican States, the State must adopt concrete measures to protect the right to health, including guaranteeing access of the population to medicines, taking into account their socio-economic reality and not exclusively the economic aspects inherent to production and distribution.

In this regard, the maximum sale prices would no longer be established through a “supervised self-regulation” mechanism, but rather through a public and transparent mechanism, following the principles of accessibility, affordability, quality and availability and according to certain guidelines that the competent authorities must issue. Thus, the Ministry of Economy in coordination with the Ministry of Health would establish the maximum sale prices in function of the guidelines they issue, having to consider differentiated policies in order to guarantee that low-income people have access to medicines and health products.

To sum up, the bill does not specify the mechanism for establishing the maximum sale prices of medicines; it just indicates its general characteristics and authorizes the Ministry of Economy and the Ministry of Health to issue the necessary guidelines to materialize and specify this mechanism.

If this bill is passed, and depending on the content of the guidelines, it could be of some concern that the setting of sale prices for patented medicines would be based on the “socio-economic reality” of the population, which could be far from the economic reality of the pharmaceutical companies, discourage sales in Mexico, threaten free competition and cause a consequent shortage.



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Sincerely,

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