



Eli Lilly and Company

Lilly Corporate Center
Indianapolis, Indiana 46285
U.S.A.
+1.317.276.2000
www.lilly.com

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Minnesota House of Representatives
State Office Building
St. Paul, MN 55155

Members of the House Judiciary Finance and Civil Law Division:

Eli Lilly and Company (Lilly) respectfully opposes House File (HF) 3100. Lilly opposes this bill because there are more efficient and less costly solutions to reduce patients' out-of-pocket costs for insulin. The bill will impose a fee on insulin manufacturers that will be burdensome both to the State and companies. The fee and the complicated reporting requirements and processes outlined in the bill will create challenges for manufacturers, pharmacists, and potentially prescribers and patients.

In addition to outlining our concerns with the legislation, this letter includes information about Lilly's efforts to address insulin affordability including the Lilly Diabetes Solution Center (LDSC), which has been helping patients in Minnesota who have difficulty affording their insulin. Please see [Attachment A](#) for additional details on Lilly's Insulin Affordability Solutions, including how to contact the LDSC.

Lilly has programs in place that help people access affordable insulin

HF 3100 proposes assessing a fee on insulin manufacturers to create an Emergency Insulin Assistance Program and the Minnesota Insulin Assistance Program. Lilly shares legislators' concerns related to insulin access and affordability, and we continue to implement solutions so that everyone who needs modern insulin products can obtain their medication.

Below is additional information on Lilly's programs that are currently available to help patients with insulin affordability:

- Many of Lilly's program solutions can be accessed through the **Lilly Diabetes Solution Center (LDSC) at (833) 808.1234**. The LDSC provides assistance to those with lower incomes, the uninsured, and people in the deductible phase of a high deductible health plan (HDHP). **The LDSC is already operating and helping people in Minnesota (and across the country) at no cost to the state or consumers. For people who face an emergency need for insulin and have nowhere else to turn, operators at the LDSC can provide immediate help. Unlike the application and enrollment process described in HF 3100, anyone who uses Lilly insulin and needs help with diabetes care can call the LDSC.** A live representative will have a confidential conversation and present solutions that are based on each person's circumstances. **Since opening in 2018, Lilly's suite of affordability solutions is helping up to 20,000 people each month across the United States purchase insulin at significantly lower costs.**

- LillyCares, a separate non-profit organization, is an option currently available that will provide insulin at no cost to people making 400 percent of the Federal Poverty Level or less (about \$50,000 for a single person or \$103,000 for a family of 4).
- **Lilly is capping prescriptions at \$95** for our most commonly used insulins, including Humalog, at retail pharmacies for people with commercial insurance plans. Uninsured people who call the LDSC can receive a card that will provide the same benefit.
- Lilly is donating insulin to about 200 free clinics across the U.S. We have donated about 120,000 vials since 2018 and announced in January 2020 a commitment to donate at least 200,000 KwikPens over the next three years.
- In May of 2019, Lilly introduced Insulin Lispro Injection, which is identical to Humalog U-100 but with a list price 50 percent less. Insulin Lispro Injection can be ordered by any retail pharmacy and will be delivered in 1-2 business days. Since Insulin Lispro Injection's launch, the number of prescriptions filled grew to 79,000 in December 2019. Additionally, approximately 11 percent of people using a version of Humalog U-100 are now using Insulin Lispro Injection.
- Last month, Lilly announced plans to offer lower-priced versions of Humalog Mix75/25 KwikPen and Humalog Junior KwikPen for people with diabetes. Both lower-priced insulins will have 50 percent lower list prices compared to the branded versions and will be available by mid-April. Combined, Humalog U-100, Humalog Mix75/25, and Humalog Junior KwikPen make up more than 90 percent of prescriptions written for a Lilly mealtime insulin. With a lower-priced version of each available, the vast majority of people using a Humalog formulation will have an option that could reduce their out-of-pocket costs.

Attachment A includes additional details about the LDSC, including how people can access the Solutions Center. We welcome any assistance you can provide in raising awareness in Minnesota about the LDSC and would be glad to provide you with flyers and other materials to help you share this information with your constituents.

HF 3100 creates a burdensome process for the State and for manufacturers

The bill establishes a fee on insulin manufacturers to fund the Emergency Insulin Assistance Program and the Minnesota Insulin Assistance Program. This proposal can be burdensome to both the State and companies. Such state legislation could also implicate the Dormant Commerce Clause of the U.S. Constitution, as has been seen with other legislation.

The bill also includes unclear reporting requirements for manufacturers and wholesalers that must submit information annually to the State to calculate the manufacturer fee, which will be prorated based on the insulin units sold in the state. **The reporting process outlined in the bill will create a burden for manufacturers and the State and will go toward funding programs that are redundant to those already in place to help patients.** In addition to the fee calculation, the language in the bill that describes how insulin will be requested by patients and prescribers and dispensed by manufacturers is convoluted. These unclear processes will increase the bureaucratic

and regulatory burden – for both the State, manufacturers, and other supply chain entities such as pharmacies – of a company doing business in the State. **They also do not account for the programs currently in place that can provide patients with insulin for those facing affordability challenges.**

In 2019, the Minnesota legislature passed a law that limits a patient’s out-of-pocket costs for insulin to not exceed the net cost of the insulin to the health plan. Lilly supports additional policies that would seek alternatives to better address patient affordability and access. Lilly supports policies that would:

- 1) **pass the rebate on to the patient at the pharmacy counter;**
- 2) **incentivize first dollar coverage for insulins;**
- 3) **ensure that people are aware of state and federal healthcare programs so, if eligible, they enroll and have affordable access to medicines, and;**
- 4) **promote existing patient assistance programs available for patients who have issues with insulin affordability.**

Thank you for the opportunity to comment on HF 3100. I am happy to meet with you individually to discuss Lilly’s insulin affordability programs and answer any questions you may have about the program or the policy alternatives suggested in this letter.

Sincerely,

Francis Fitzgerald
Director of State Government Affairs
Eli Lilly and Company

Attachment A



Lilly offers a number of insulin affordability programs to fill gaps in the current system. These solutions are designed especially for those most likely to be paying higher out-of-pocket amounts, including those in high-deductible insurance plans, the uninsured, and seniors enrolled in Medicare Part D during the coverage gap.

- LILLY DIABETES SOLUTION CENTER**
Offers affordability solutions, insulin donations to relief agencies that supply free clinics across the U.S., and options to support someone with immediate need for insulin.
- LOWER-PRICED INSULINS***
Lilly has announced three lower-priced insulin options with a list price 50 percent lower than their brand name alternative.
- AUTOMATIC DISCOUNTS**
Lilly provides automatic discounts at the pharmacy counter that cap the cost of a prescription for Lilly insulins at \$95 for anyone with private insurance.

| | Private Insurance | Uninsured | Medicare Part D |
|--------------------------------|-------------------|-----------|-----------------|
| LILLY DIABETES SOLUTION CENTER | ✓ | ✓ | |
| LOWER-PRICED INSULIN* | ✓ | ✓ | ✓ |
| AUTOMATIC DISCOUNTS | ✓ | | |

Up to 20,000 people were helped each month in 2019, and the average out-of-pocket spend among people using our savings programs decreased by more than 65 percent in 2019.



If you know someone with diabetes struggling to afford their Lilly medicines, have them contact the Lilly Diabetes Solution Center. A medical representative will conduct a confidential conversation with the patient to determine the appropriate program based on individual circumstances.

1-833-808-1234
The helpline is open Monday through Friday from 9AM to 8PM ET.

* A patient can work with their pharmacy to obtain Lilly's lower-priced insulin options. The first lower-priced insulin, Insulin Lispro Injection, is currently available while the additional two options will be available starting in April 2020. If for any reason a patient cannot get it through their pharmacy, they should call the Lilly Diabetes Solution Center. As of January 2020, all major wholesalers distribute Lilly's first lower-priced insulin.