

630 Days Later: DeSantis Has Had Enough with FL Losing Out on \$150M Saving, Sues Biden Admin

By Jack Davis
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Republican Florida Gov. Ron DeSantis announced Wednesday that Florida is suing the Biden administration as a last resort so that it can implement a plan to import prescription drugs from Canada.

The lawsuit argued that the Food and Drug Administration is stalling the state's application to start the program, and has violated the Administrative Procedures Act by not moving on the program, or telling Florida what it needs to do to win approval.

Simone Marsteller, secretary for the Florida Agency for Health Care Administration, said the application has been on hold in Washington for far too long, according to Politico.

“This has been sitting on someone's desk for 600 days,” Marsteller said. “This is not what government is supposed to do.” DeSantis said FDA bureaucrats “have unlawfully withheld and unreasonably delayed Florida's program and we think this violates federal law,” according to WFTS-TV. “So we're asking a federal judge to order the FDA to put an end to that delay and to approve Florida's program.” “It's our view that we've waited long enough,” DeSantis said, according to The Hill.

“The clock's been ticking. We have a right to know what the FDA has been doing the last two years to ensure [whether] they are putting politics over patients [or] putting the interests of Big Pharma over the interests of average Floridians,” he said.

In 2020, then-President Donald Trump's White House created two ways for states to apply for drug importing programs through the Department of Health and Human Services, according to WFTS

However, according to the News Service of Florida, the Pharmaceutical Research & Manufacturers of America launched a legal challenge that's still in federal court in Washington, according to the News Service of Florida.

In May 2021, the Biden administration sided with Florida and New Mexico — the only other state that has applied to begin accepting Canadian imports — and asked the court to dismiss the industry challenge, according to Politico. That lawsuit remains in federal court, the News Service of Florida reported.

In November 2020, Florida applied to begin the program, which it estimates will save state residents \$150 million a year in prescription costs. President Joe Biden issued an order to the FDA in July 2021 to move forward with the Trump-era program, according to Politico. However, the Florida lawsuit called that “another empty promise.”

“The cost of the FDA’s inaction is substantial. The FDA’s delay denies vulnerable Floridians access to essential medications at a reasonable cost. Moreover, given the estimate that the Program could save State taxpayers up to \$150 million each year once fully implemented, Florida has already suffered an estimated budgetary hit of up to several hundred million dollars—and increasing at the rate of millions of dollars every single month that passes . . . ,” the lawsuit stated.

“That money could be used to improve access to services for Medicaid recipients, children, and persons with disabilities or chronic conditions. The FDA’s delay is costing Floridians their health and wellbeing,” the lawsuit stated. During his speech, DeSantis noted that the program is particularly important now, with prices rising on goods nationally under the Biden White House.

“You’ve seen big increases in groceries, you’ve seen big increases in energy, utilities, rent. All these different things with the Biden-flation,” he said. DeSantis said the stall was unexpected.

“I didn’t anticipate getting to this point where even the administration says they support it and then we just toil for months and months,” he said, according to Politico.

The state set up the infrastructure to run the program, anticipating federal approval and hired a contractor for \$40 million to run the program. “All of this stuff is ready to go,” DeSantis said as he spoke in an empty warehouse that had been prepared for the program. “It’s turnkey.”

Neither the White House nor FDA responded to Politico requests for comment on the lawsuit.