

FOR IMMEDIATE RELEASE:

Contact: James Hallinan

September 21, 2016

(505) 660-2216

Attorney General Balderas Sends Investigatory Letter to EpiPen Manufacturer

Albuquerque, NM - Today, the Office of New Mexico Attorney General Hector Balderas sent an investigatory letter requesting information to the manufacturer of EpiPen, the brand name of an auto-injector used so that synthetic adrenaline can be administered safely and quickly to treat anaphylaxis caused by a severe allergic reaction. In the past months, the price of EpiPens has risen dramatically, raising alarm that some New Mexico families may not be able to afford this life-saving medication. In 2007, EpiPens' retail costs were somewhere around \$60. Today they sell for more than \$600. The letter from the New Mexico Office of the Attorney General seeks information regarding the number of EpiPens sold in New Mexico and how many schools are participating in the "EpiPens4Schools" program, among other information.

"Protecting New Mexico children and families is my top priority," said Attorney General Hector Balderas. "I have initiated this investigation to make sure that we are holding out of state corporations and giant drug companies accountable to New Mexico laws, and that we are doing everything in our power to make sure New Mexico children and families can afford their life-saving medications."

The letter cites the Attorney General's authority to investigate, though admits that the letter does not, yet, constitute a formal investigation. The letter asks for a response by September 30, 2016. Once a response has been received, Attorney General Balderas and his staff will review the information and determine whether a further investigation is warranted.

See attached for a copy of the letter that was sent today.

###

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

TANIA MAESTAS
Deputy of Civil Affairs

SHARON PINO
Deputy of Criminal Affairs

CARLA MARTINEZ
Chief of Staff for Operations

SONYA CARRASCO-TRUJILLO
Chief of Staff for Policy and Public Affairs

September 21, 2016

VIA ELECTRONIC AND CERTIFIED MAIL

Mylan N.V.
Mr. Brian S. Roman
Senior Vice President & Chief Compliance Officer
Robert J. Coury Global Center
1000 Mylan Boulevard
Canonsburg, PA 15317
brian.roman@mylan.com

Dear Mr. Roman,

In recent weeks Attorney General Hector Balderas and this office have closely followed the significant price hikes of your company's product, EpiPen Auto-Injector. As of 2011, around 10% of New Mexico children had allergies and approximately two students in every classroom have food allergies.¹ The higher cost of this drug for severe allergic reactions, has left a substantial number of New Mexican families scrambling to find a way to afford this necessary medication.²

The New Mexico Unfair Practices Act, NMSA 1978, Sections 57-12-1 to -26 (1967, as amended through 2009), prohibits unfair and deceptive trade practices and unconscionable trade practices in the conduct of any trade or commerce in New Mexico. The New Mexico Antitrust Act, NMSA 1978, Sections 57-1-1 to -19 (1979, as amended through 1995), prohibits contracts in restraint of trade or commerce if any part of such trade or commerce occurs within New Mexico. Both the Unfair Practices Act and the Antitrust Act expressly delegate to the Attorney General responsibility for their enforcement. Sections 57-12-15 & 57-1-10. While these statutes give our office the authority to formally investigate, this letter does not rise to the level of a formal investigation and does not constitute a civil investigative demand.

It is our office's practice to seek to understand completely a situation before reaching any decision. It is my hope that you will work with our office in an informal capacity to provide

¹ <https://www.nmlegis.gov/Sessions/14%20Regular/firs/SB0075.PDF>

² <http://krae.com/2016/09/05/new-mexico-families-struggle-with-epipen-price-increase/>

certain basic information that will inform our decision whether or not to commence a formal investigation. It is to that end that I ask your organization for information responsive to the following requests:

1. Provide the number of EpiPen Auto-Injectors sold into the State of New Mexico in the last five (5) years.
2. Identify all New Mexico schools that have participated in the "EpiPens4Schools" program in the last five (5) years and provide any and all information in your possession pertaining to your communications, agreements and contracts with these schools.
3. Provide the total number of EpiPen prescriptions that have been paid by Medicaid in New Mexico.
4. Provide copies (or other documentation, if no copy is available) of all paid advertising for EpiPen Auto-Injectors used in New Mexico in the last five (5) years, including but not limited to print, radio, television or internet advertising.
5. For the last five (5) years, provide the following information all New Mexico residents using Mylan's patient assistance program to purchase EpiPen Auto-Injectors: total number of patients, total cost for the EpiPen Auto-Injector per patient had the patient not received patient assistance, and total amount of patient assistance provided by Mylan.

Thank you in advance for your cooperation with these requests. Because Attorney General Balderas, our office and the citizens of New Mexico have become increasingly concerned about the effects of your recent price increases on the people and economy of this state, I ask that you respond no later than September 30, 2016. Should you have any questions please contact me at (505)222-9000.

Sincerely,



P. Cholla Khoury
Director, Consumer and Environmental Protection

Cc: Tom Pirozzi, Vice President Global Compliance & Chief Compliance Officer NA
5005 Green Bag Road,
Morgantown, WV 26508
tom.pirozzi@mylan.com