

## **Argument Against Proposition 79**

We all want to provide cheaper prescription drugs to needy Californians, but Proposition 79 just won't work. It's based on a flawed proposal from the state of Maine that never went into effect, never delivered a single discount and was ultimately abandoned by Maine. Californians don't need another false initiative promise that will result in years of legal challenges and ultimately never go into effect.

"Maine residents were counting on a drug discount program that was just like California's Proposition 79. But it was tied up in court and never received approval from the federal government. Not a single patient got a discounted drug as a result of that failed program."

Calvin Fuhrmann, MD FCCP  
Kennebunk Medical Center, Maine

Backed by public employee unions, Proposition 79 sets up another big government program that will cost California millions. With huge budget deficits that already affect funding for critical programs, how can we take on a massive new government program? On top of that, Proposition 79 jeopardizes over \$480 million in rebates that taxpayers currently receive from pharmaceutical companies.

Because Proposition 79 changes the state's Medi-Cal program, which is largely funded with federal dollars, the federal government would have to approve Proposition 79. No federal administration, Democratic or Republican, has ever approved a program like Proposition 79.

Why won't Proposition 79 receive federal approval? Prop. 79 risks the health of poor patients in order to provide drug discounts for people who make as much as \$77,000 annually, including some people who already have health insurance. Proposition 79 says that if a drug manufacturer does not provide steep discounts to these higher income Californians, they can't provide prescription drugs to help the poor, seniors and disabled patients who depend on Medi-Cal.

"Proposition 79 jeopardizes access to prescription drugs for the lowest income and most vulnerable individuals in this state."

Neva Hirschhorn  
Executive Director  
Epilepsy Foundation of Northern California

A hidden section in Proposition 79 will let trial lawyers file thousands of frivolous lawsuits simply by claiming the price charged for the product is too much or that the manufacturer's profits are too high. The initiative doesn't define what is a fair price or a reasonable profit! Worse, trial lawyers don't need a client to bring these lawsuits and can keep for themselves 100% of the money they are able to force from a defendant!

**SUBJECT TO COURT  
ORDERED CHANGES**

“Last November, Californians passed Proposition 64 to prevent shakedown lawsuits. Proposition 79 would re-open the door to shakedowns, flood our courts with frivolous litigation and drive up the cost of prescription drugs.”

John H. Sullivan, President  
Civil Justice Association of California

Like so many previous initiatives, 79 won't deliver what it claims. It will result in years of litigation and will ultimately be rejected by the federal government. It creates an expensive big government program, jeopardizes the health of low income Californians and will result in a deluge of frivolous litigation benefiting trial lawyers at our expense.

Prop. 79 is the wrong prescription for California. Join seniors, taxpayers, health advocates, patients and small businesses and VOTE NO Proposition 79.

Tom Murphy  
Chair  
California Arthritis Foundation Council

*Policy*  
John Kehoe  
~~Executive~~ Director  
California Senior Action League  
*Advocate*

Rodney Hood, MD  
President  
Multicultural Foundation

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