



## **BIO Statement in Opposition to SB 1528-2**

**February 16, 2026**

**Position:** The Biotechnology Innovation Organization (BIO) respectfully opposes SB 1528-2, which would require manufacturers to report additional information regarding their patient assistance programs (PAPs) with no clear purpose. The bill also fails to address patient access and affordability by not addressing out-of-pocket (OOP) costs. SB 1528-2 also intensifies existing concerns regarding the disclosure of confidential, proprietary and trade secret information.

**SB 1528-2 will add a significant regulatory burden to the state without any clear benefit.**

The Oregon Prescription Drug Price Transparency Program Annual Report's<sup>1</sup> examination and recommendations on patient assistance programs are based largely on insurer arguments that have been disproven. That is, copay- or cost-sharing assistance frequently drives patients toward brand name therapies when less expensive, generic medicines are available. However, according to IQVIA, "[w]hile co-pay cards are still being utilized by patients on brand scripts after LOE [loss of exclusivity], the use is limited and only makes up 0.4% of the total commercial market volume."<sup>2</sup> The benefit of providing such additional reporting requirements is not clear and the state would have to dedicate many more people to analyze the information.

**SB 1528-2 intensifies BIO's standing concerns regarding confidentiality of proprietary and trade secret information, which are also part of existing litigation.**

Much of the information required by SB 1528-2 to be reported would fall under the category of confidential, proprietary, and trade secret information. BIO does not believe that the current law adequately protects this information from disclosure. The current statute is not consistent with the federal Defend Trade Secrets Act (DTSA)<sup>3</sup> and violates the U.S. Constitution. In the DTSA, information is a trade secret if it has commercial value, and the company or person has taken reasonable steps to ensure its security. These concerns are the subject of ongoing litigation in the courts. We believe the state should seek additional transparency requirements until litigation is resolved.

**SB 1528-2 does not address the true issues of patient access and affordability.**

Legislators should focus on solutions that enhance patient access and affordability by addressing problems caused by payers and PBMs manipulating the system. According to the Federal Trade Commission, "[n]ot only do the PBM[s] . . . knowingly design formularies that can shift costs onto patients by preferring high WAC, highly rebated drugs, they also incentivize and encourage commercial payers to select these types of formularies."<sup>4</sup> As a result, PBMs knowingly subject patients, whose cost sharing is based on the unrebated list price—rather than the significantly lower, rebated net price—paying more out-of-pocket for their drugs, sometimes even more than the entire net cost of the

<sup>1</sup> "Prescription Drug Price Transparency Program results and recommendations – 2025." DCBS, November 25, 2025. <https://dfr.oregon.gov/drugtransparency/Documents/20251204-dpt-hearing/Prescription-Drug-Price-Transparency-Annual-Report-2025.pdf>

<sup>2</sup> IQVIA, An Evaluation of Co-Pay Card Utilization in Brands After Generic Competitor Launch (2018) <https://www.iqvia.com/locations/united-states/library/fact-sheets/evaluation-of-co-pay-card-utilization>.

<sup>3</sup> 18 U.S.C. § 1836, et seq.

<sup>4</sup> Federal Trade Commission vs. Caremark Rx, et.al, November 26, 2024.



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drug.<sup>5</sup> We believe legislators must focus on practical reforms that will help patients access their medicines by addressing true causes of affordability.

For these reasons, we respectfully ask legislators to oppose SB 1528-2, because it creates a burden on the state with unclear benefit without addressing the true causes of access and affordability.

### **About the Biotechnology Innovation Organization (BIO)**

BIO is the premier biotechnology advocacy organization representing biotech companies, industry leaders, and state biotech associations in the United States and more than 35 countries around the globe. BIO members range from biotech start-ups to some of the world's largest biopharmaceutical companies – all united by the same goal: to develop medical and scientific breakthroughs that prevent and fight disease, restore health, and improve patients' lives. BIO also organizes the BIO International Convention and a series of annual conferences that drive partnerships, investment, and progress within the sector. Learn more at [www.bio.org](http://www.bio.org)

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<sup>5</sup> Ibid.