



Monday, May 18, 2020

Dear New Hampshire Attorney General Gordon MacDonald,

As members of the NH Health Care Coalition, we urgently ask your office to investigate Jaguar Health's recent decision to triple the price of Mytesi, a drug that may become a treatment for symptoms of COVID 19, as an act of unscrupulous profiteering during this pandemic.

There has been increased attention in recent years to pharmaceutical industry abuses like price-gouging on insulin and other medicines, including deceptive marketing of opioids, but unfortunately that attention has not yet resulted in adequate reforms from federal lawmakers that make medicines more affordable and protect patients from harm.

Despite appeals to lawmakers and to the drug corporations themselves, millions of people continue to go without medicine, to incur debt for prescriptions, or to face hard choices every day between taking doses and paying for food and rent. Even now, during the COVID pandemic that has already claimed nearly 90,000 American lives and disrupted the lives of millions more, there has been no action to ensure that the medicines people will need for treatment and prevention of the coronavirus will be affordable to everyone who needs them.

Our organizations and members are very concerned about the tremendous health and economic impacts from the COVID-19 crisis. We support the efforts of the national [Lower Drug Prices Now](#) coalition to ensure that all treatments and vaccines for COVID 19, which are largely being developed with taxpayer funding, will be affordable to everyone at low or no cost.

The recent decisions of Jaguar Health further emphasize this urgent need: Mytesi is an anti-diarrheal drug often taken by people living with HIV/AIDS to treat the gastrointestinal side effects caused by antiviral drugs used to treat HIV/AIDS and that will be used to treat coronavirus as well. Jaguar Health applied to the Food and Drug Administration for emergency approval to use this medicine as a treatment for COVID-19 symptoms. FDA refused the request but in the meantime, the corporation more than tripled the price of Mytesi from \$688.52 to \$2,206.52 per bottle.<sup>i</sup> Despite the FDA's initial decision, Jaguar continues in talks with federal agencies to look for ways to increase use of Mytesi for coronavirus patients.<sup>ii</sup>

Raising the price of a potential COVID treatment is an unconscionable act of greed at a time when millions of Americans have lost their jobs and health insurance and are already facing bigger expenses and higher prices for everything from hand sanitizer to food and dry goods. Jaguar's tripling the price of a potential medicine for COVID has already attracted the attention of Congressional leaders on the House Oversight Committee<sup>iii</sup> who are seeking answers, as we are, that justify this kind of increase during the biggest public health emergency of our lifetimes.

Leaders in the US House of Representatives Congresswoman Carolyn Maloney, Chair of the Committee on Oversight and Reform, and Congresswoman Jackie Speier, sent a letter to Jaguar Health CEO Lisa Conte requesting documents by May 18, 2020 – including all communications between or among all executives, employees, investors, board members or other agents of Jaguar Health regarding the decision to increase the list price of Mytesi effective on or around April 9, 2020.

This week Jaguar’s shareholders will meet for an annual meeting to discuss the corporation’s profits, policies, and potential. It is not clear whether shareholders themselves may raise the issue of precipitous price gouging during the pandemic, but we do know that the Attorney General’s office has a responsibility to protect consumers in the Granite State. It is highly likely that some members of our community are already being adversely impacted by the price increase, and that many more could be impacted should the drug be used for COVID.

While New Hampshire does not have a specific anti-price gouging statute, state law does prohibit unfair and deceptive conduct and the Attorney General's Office has [indicated](#) it will vigorously enforce New Hampshire consumer protection laws during this public health crisis. We urge you to do everything in your power to hold Jaguar Health and other drug corporations accountable – and where the laws are inadequate to the task of protecting people from profiteering, we encourage you to work with state leaders and Congress to fix them.

In a time of national crisis, it is more critical than ever that we stop unscrupulous actions that could have dire consequences for the health and financial security of Granite Staters.

Thank you in advance for your efforts to protect us, and we will do our part to urge elected officials at all levels to take action.

Sincerely,

Zandra Rice Hawkins  
Executive Director, Granite State  
Progress & Education Fund

Christina D'Allesandro  
State Director, NH MomsForce  
MomsRising Together

Lisa D. Beaudoin  
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Jayme Simoes  
State Director, Protect Our Care NH

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Co-Conveners, Healthcare Working  
Group, Kent Street Coalition

Isaac Grimm  
State Organizing Director, Rights &  
Democracy New Hampshire

*cc: Governor Chris Sununu, State Senate President Donna Soucy; State House Speaker Steve Shurtleff*

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<sup>i</sup> <https://www.reuters.com/article/us-health-coronavirus-drug-prices-jaguar/congresswomen-urge-jaguar-health-to-reverse-price-hike-on-drug-that-may-be-used-in-covid-19-patients-idUSKBN22G25C>

<sup>ii</sup> <https://www.axios.com/pharma-jaguar-health-mytesi-drug-price-coronavirus-8ea874b1-9e75-47cf-ba47-475ef7d58e3b.html>

<sup>iii</sup> <https://oversight.house.gov/news/press-releases/maloney-and-speier-seek-information-on-drug-company-s-triple-price-increase>