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Virginia Attorney General Mark Herring  
Office of the Attorney General  
202 North Ninth St.  
Richmond, VA 23219

May 18, 2020

Dear Attorney General Herring,

There has been increased attention to pharmaceutical industry abuses like price-gouging on insulin and other medicines, deceptive marketing of opioids and prescription drug safety issues in recent years, 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 80,000 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.

As you know, Virginia Organizing is a grassroots organization that represents thousands of members/constituents/etc across the state who are facing tremendous health and impacts from the COVID -19 crisis. Our organization is working with dozens of others in the [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.

We are writing to urge 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.

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. 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.

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 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's not clear whether shareholders themselves may raise the issue of precipitous price gouging during the pandemic and how that action may create scrutiny and risk for the company. We hope so.

But we also know that prescription drug corporations' top priority is to maximize profit, not to support public health. That's why we are reaching out with this request for investigation from your office.

Profiteering on medicine during a time of national crisis when an official emergency has been declared, the death toll is climbing and the economy has slowed to a crawl because of shuttered businesses, record unemployment and social distancing, could have dire consequences for the millions who will contract COVID and need medicines. We are urging elected officials at all levels to take action to protect the public by putting a stop to profiteering and holding corporations accountable for the harm they cause by jacking up the price of essential goods--like medicine--during a time when demand will be tremendous and resources limited.

As members of the Lower Drug Prices Now coalition, we urge you to do everything in your power to enforce consumer protection and anti-profiteering law 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 Congress to fix them.

Sincerely,

Virginia Organizing State Governing Board