

## STATES RESPOND TO VACCINE CRISIS

At an October 12<sup>th</sup> briefing, Centers for Disease Control and Prevention (CDC) Director Julie Gerberding, MD condemned price gouging as a moral offense in the context of the current flu vaccine crisis and urged states to prosecute offenses to the fullest extent of the law. States—not the federal government—are responsible for defining price gouging and prosecuting offenses. State and local health officials will be working with CDC to help prioritize the distribution of the remaining supplies of vaccine to the highest risk individuals.

**Price Gouging.** To date, attorneys general in Florida and Kansas have filed suits against a Florida pharmaceutical distributor company, Meds-Stat, for price gouging. Meds-Stat is being sued for violations of the Kansas consumer protection law and the Florida trade practices law. The state of Connecticut has launched an investigation into allegations of price gouging in the state.

In addition, over a dozen states have issued consumer warnings about possible flu vaccine price gouging. The Rhode Island Attorney General, Patrick C. Lynch, warned hospitals, doctors' office, pharmacies, nursing homes, and other health care providers about potential price gouging, and urged aggrieved consumers to call his office's Consumer Protection Unit.

Attorney General Lynch cited a survey conducted last week by the American Society of Health-System Pharmacists that found that 55 percent of 2,800 hospital pharmacy directors surveyed reported that they were contacted by "opportunistic vendors offering to sell flu vaccine at highly inflated prices." Four out of five hospitals reported being offered the vaccine at more than four times the original market value, and nearly 20 percent of the hospitals contacted report having been offered the vaccine at a price more than 10 times the original market value.

**Distribution of Vaccine to High Risk Individuals.** In addition to their role in consumer protection, states will play an integral role in the distribution of the remaining 22.4 million doses of flu vaccine. CDC will work with state and local health officials to identify ongoing critical needs and to distribute the remaining doses to individuals who are at the highest risk. Additional information on all aspects of the flu crisis can be found on the CDC Web site ([www.cdc.gov/flu](http://www.cdc.gov/flu)). A soon-to-be-released CDC Morbidity and Mortality Weekly Report (MMWR) will provide further updates on supply and distribution matters.

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