

To: Barbara Carr, San Francisco Department of Elections  
Date: 7/30/13

From: John Baldo

Re: Ballot Simplification Committee Appeal, Prescription Drug Purchasing

Hello Barbara,

I would like to thank you and the entire Ballot Simplification Committee for your diligent work crafting the Prescription Drug Purchasing ballot digest yesterday. The hearing was conducted in a fair manner, and it was very informative and enjoyable to work with the committee to establish the digest.

After reviewing the approved digest after the hearing in more detail, I realized a small matter of confusion that I would request be addressed through this appeal. I offer my sincere apologies for not bringing up this change during the hearing yesterday, it was only after re-reading the adopted digest more carefully and reflecting on the proposed language did I notice a potential issue.

In advance of my summary of requested changes below, I want to express my thanks and appreciation to you and the committee for reading this appeal and to considering potential changes.

**In summary, I believe that the addition of the language “continue to” in the first sentence of “The Proposal” and in the “A Yes Vote Means” section of the digest do not reflect the intended nature of the measure, and is inconsistent with the original certified language on our petition.**

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### **1. Request to amend “...continue to use” language under “The Proposal”**

The current digest states:

- “Proposition \_\_ would make it City policy to continue to use all available opportunities to reduce the City’s cost of prescription drugs.

I request that the underlined, “continue to use” is amended to the original language in the draft digest,

- “...would make it City policy to employ all available opportunities to reduce the price of prescription drugs.”

After careful reading of the current digest language, I believe it has the potential to confuse voters on the current city policy regarding drug purchasing and the original intent of the measure.

Even though the city currently engages in practices to reduce the cost of prescription drugs, it is currently **not city policy to use all available opportunities to reduce costs**, and therefore the current language to **“continue” to engage in an action that does not already exist as city policy is potentially misleading**, and could potentially confuse the voters on the actual purpose of the measure.

The intended measure attempts to re-affirm and strengthen the cities current practice of using all available opportunities to reduce the cities cost of prescription drugs **by making this practice official policy through the measure.**

## **2. Amend language in “A Yes Vote Means”**

The current language states:

- “If you vote "yes," you want to make it City policy to continue to use all available opportunities to reduce the City’s cost of prescription drugs.”

As stated, this language is potentially confusing to voters on what voting “yes” actually does, effectively telling them that the city is already implementing this change, calling into question why one would need to vote for it if this action is already occurring.

In addition, this language only relates to the first item of the measure, and does not explain to the voter that “A yes vote” will also establish the additional two items:

- “Continue to negotiate directly with drug manufacturers to reduce its cost for medications.”
- “...establish as policy that the City ask its state and federal government representatives to sponsor legislation to reduce by one-third the drug prices paid by all levels of government.”

A suggested change to this language to more accurately describe the measure is:

- “If you vote "yes," you want to the city to establish these policy changes, and the Board of Supervisors to study the policy and determine what action, if any, would be appropriate to implement the policy.”

## **3. Amend language in “The Way it is Now”**

In the case that Committee chooses to adopt the changes described in #1 and #2, we would ask to make one final change, requested by DPH, to emphasize that the city is currently attempting to get the best prices, even though this is not official policy.

The current language states:

City law authorizes San Francisco's Public Health Department to use outside companies to negotiate prices and purchase prescription drugs.

- For inpatient medications...
- For outpatient medications...

We request this change (in bold):

**To ensure the City receives the lowest possible price on prescription drugs,** City law authorizes San Francisco's Public Health Department to use outside companies to negotiate prices and purchase prescription drugs

- For inpatient medications...
- For outpatient medications....