



655 15TH STREET, N.W., SEVENTH FLOOR
WASHINGTON, D.C. 20005-5701
TELEPHONE: 202/452-8444
FAX: 202/429-4519
E-MAIL: FMI@FMI.ORG
WEBSITE: WWW.FMI.ORG

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April 6, 2000

Dockets Management Branch
Food and Drug Administration
Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

0297
Re: Docket Nos. 92N-0927 and 88N-0258
Petition for Stay of Action

Dear Sir or Madam:

The Food Marketing Institute (FMI), on behalf of our supermarket members operating pharmacy departments, respectfully requests the Food and Drug Administration (FDA) to grant the Petition for Stay of Action that was filed on March 29, 2000, by the Pharmaceutical Distributors Association with respect to final regulations that have been issued that will implement wholesale drug distribution provisions of the Prescription Drug Marketing Act of 1987 (PDMA).

It is FMI's view that these regulations, if permitted to go into effect on December 4, 2000, will adversely impact supermarket pharmacies in terms of how they presently purchase pharmaceutical products. From our analysis of the rulemaking, we believe that it would be disruptive to drug distribution, trigger higher prices and could hinder the availability of life-saving medications for patients. Moreover, the regulations will likely close down most secondary source wholesalers.

In closing, FMI supports the petitioner's request that during the stay, drug distribution may continue in conformance with FDA's guidance to the industry dated August 1, 1988.

Sincerely,

John J. Motley III
Senior Vice President
Government and Public Affairs

88N-0258

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CROSS FILE SHEET

FILE NO: 88N-0258/C71

SEE FILE NO: 92N-0297/C58