

# UPsher-SMITH

June 25, 2021

To: The Office of Attorney General of Vermont

Via: Electronic Mail at [AGO.highcostprescriptiondrugs@vermont.gov](mailto:AGO.highcostprescriptiondrugs@vermont.gov)

Re: Notice of New Drug Introduction Pursuant to 18 V.S.A. § 4637(b)

As required by 18 V.S.A. § 4637(b), Upsher-Smith Laboratories, LLC is submitting this notice of the introduction of a new prescription drug with a wholesale acquisition cost that exceeds the threshold set for a specialty drug under the Medicare Part D program.

On June 25, 2021 the following product became available for shipment:

NDC	Product	Date of Commercial Availability
0245-0570-01	Isotretinoin 40 mg Capsules	June 25, 2021

This notice is provided within three calendar days following the release of the drug in the commercial market, as required by 18 V.S.A. § 4637(b). Since 18 V.S.A. § 4637 does not define “release of the drug in the commercial market”, Upsher-Smith has based our three-day notice on the date that we have made the products available to order.

In the event Vermont S. 92 and the laws it implements, including 18 V.S.A. § 4637, are found invalid, Upsher-Smit Laboratories, LLC reserves all of its legal rights. In issuing this notice in an attempt to comply with 18 V.S.A. § 4637, Upsher-Smith Laboratories, LLC does not waive any legal claims or legal rights related to constitutional or other defects arising under Vermont S. 92.

Sincerely,

Brent Eilefson  
VP, Legal Affairs, Chief Compliance Officer  
Upsher-Smith Laboratories, LLC

## Upsher-Smith Laboratories, LLC

6701 Evenstad Drive, Maple Grove, MN USA 55369-6026

Corporate 763-315-2000 Fax 763-315-2001 Sales & Distribution 1-800-654-2299 Sales Fax 763-315-2244

[www.upsher-smith.com](http://www.upsher-smith.com)