

No. 01-188

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IN THE  
**Supreme Court of the United States**

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PHARMACEUTICAL RESEARCH AND  
MANUFACTURES OF AMERICA,  
*Petitioner,*

v.

KEVIN CONCANNON, COMMISSIONER, MAINE DEPARTMENT  
OF HUMAN SERVICES, AND G. STEVEN ROWE,  
ATTORNEY GENERAL OF THE STATE OF MAINE,  
*Respondents.*

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**On Writ of Certiorari to the United States  
Court of Appeals for the First Circuit**

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**BRIEF *AMICUS CURIAE* OF THE  
LONG TERM CARE PHARMACY ALLIANCE  
IN SUPPORT OF PETITIONER**

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### **QUESTION PRESENTED**

1. Whether the federal Medicaid statute, 42 U.S.C. § 1396 *et seq.*, allows a state to use authority under that statute to compel drug manufacturers to subsidize price discounts for non-Medicaid populations?



































