F I S C A L I M P A C T R E P O R T

SPONSOR Ortiz y Pino **ORIGINAL DATE** 02/20/09 **LAST UPDATED** **HB**

SHORT TITLE Rescind Approval of Aspartame **SM** 9

ANALYST Hanika-Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	**FY10**		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

SOURCES OF INFORMATION
LFC Files

Responses Received From
Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Memorial 9 requests the United States Food and Drug Administration (FDA) to rescind approval of aspartame as a food additive on a phase-out basis over a one-year time period. The memorial also requests that the President of the United States (U.S.) and the U.S. Secretary of Health and Human Services Department (HHS) to rescind the FDA approval of aspartame as a food additive by Executive Order.

FISCAL IMPLICATIONS

NFI

SIGNIFICANT ISSUES

Aspartame is the name for an artificial sweetener. This sweetener is marketed under a number of trademark names, including Equal and NutraSweet, and is an ingredient of approximately 6,000 consumer foods and beverages sold worldwide. A product with Aspartame has a FDA issued warning; “Phenylkentonurics: Contains Phenylalanine.” This label was necessary because a high plasma level of phenylalanine is associated with mental retardation in a small number of individuals with a genetic disorder that results in a lessened ability to metabolize phenylalanine.

PERFORMANCE IMPLICATIONS

SM 9 provides that copies of the memorial be transmitted to the President of the U.S., HHS secretary, FDA commissioner, members of the New Mexico (NM) Congressional delegation, the NM governor and NM DOH secretary.

OTHER SUBSTANTIVE ISSUES

In 1996, the FDA removed all restrictions from aspartame, allowing it to be used in all foods with a warning that the sweetener contains phenylalanine. The FDA receives more complaints related to aspartame than any other food additive. Recent studies have recommended further investigation that food products containing aspartame may be neurotoxic and carcinogenic.

PED notes that a study sponsored by the National Cancer Institute in April 2006 involving 340,045 men and 226,945 women, ages 50 to 69, found no statistically significant link between aspartame consumption and leukemias, lymphomas or brain tumors.

ALTERNATIVES

A state may label a product if it has a state statute authorizing labeling and the particular label is not preempted under the Federal Food, Drug and Cosmetic Act.

DOH and PED may recommend nutrition requirements for food and drink items served in public schools.

NMED may disseminate information about food and drink items in the interest of public health.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

A memorial from the New Mexico Legislature requesting FDA to rescind approval of products containing Aspartame; or by Executive Order rescind the FDA approval of products containing Aspartame will not be provided.

AHO/mt:mc