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HOUSE JOINT MEMORIAL 20

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

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FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

A JOINT MEMORIAL

REQUESTING CONGRESS TO REVIEW AND RESTRICT FEDERAL FOOD AND  
DRUG ADMINISTRATION GUIDELINES ON DIRECT TO CONSUMER  
ADVERTISING FOR PRESCRIPTION DRUGS.

WHEREAS, drug manufacturers spent one billion eight  
hundred million dollars (\$1,800,000,000) in 1999 on mass media  
for direct-to-consumer advertising of prescription drugs, a  
thirty-eight percent increase over the previous year; and

WHEREAS, this amount represents a more than three thousand  
percent increase over the fifty-five million dollars  
(\$55,000,000) spent in 1991; and

WHEREAS, spending in the first four months of 2000  
continued to accelerate, reaching nine hundred forty-six  
million dollars (\$946,000,000), which if continued would  
produce an annual direct-to-consumer advertising spending of

1 over two billion dollars (\$2,000,000,000); and

2 WHEREAS, direct-to-consumer advertising is a growing  
3 component of overall prescription drug promotional spending;  
4 and

5 WHEREAS, the top selling twenty-five drugs promoted  
6 directly to consumers accounted for more than forty percent of  
7 the spending increase in retail drug spending in 1999; and

8 WHEREAS, doctors wrote over thirty-four percent more  
9 prescriptions for the top twenty-five direct-to-consumer  
10 advertised drugs, compared to only five percent more  
11 prescriptions for all other drugs in 1999 compared to 1998; and

12 WHEREAS, sales of these drugs, newer and higher priced,  
13 have contributed powerfully to the steep increase in  
14 prescription drug spending; and

15 WHEREAS, in 1999 the average price increase for a  
16 prescription was ten percent, double the five percent increase  
17 for other medical products; and

18 WHEREAS, many observers and public health officials worry  
19 that direct-to-consumer advertising could undermine people's  
20 willingness to make lifestyle changes necessary to promote  
21 health and prevent disease; and

22 WHEREAS, direct-to-consumer advertising may be persuading  
23 consumers to push for newer, costlier drugs when less expensive  
24 drugs work just as well; and

25 WHEREAS, in 1997 the federal food and drug administration,

1 after public hearing and debate, issued interpretations  
2 relaxing previous restrictions and making it easier for drug  
3 manufacturers to engage in direct-to-consumer advertising; and

4 WHEREAS, the advent of direct-to-consumer advertising has  
5 coincided with a sharp rise in the number of prescriptions  
6 written and overall spending on prescription drugs;

7 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
8 STATE OF NEW MEXICO that the congress of the United States be  
9 urged to review and revise the federal food and drug  
10 administration's regulations that permit direct-to-consumer  
11 advertising of prescription drugs, revising them to a stricter  
12 interpretation of the previous food and drug administration  
13 guidelines or a limitation on such advertising; and

14 BE IT FURTHER RESOLVED that the food and drug  
15 administration be directed to develop regulations that  
16 encourage the pharmaceutical industry to promote its products  
17 more responsibly, regulate direct-to-consumer advertising more  
18 effectively and provide guidance for the medical and public  
19 health communities to educate the general public about drug  
20 therapies and alternatives in more constructive ways; and

21 BE IT FURTHER RESOLVED that copies of this memorial be  
22 sent to each member of New Mexico's congressional delegation  
23 and to the federal food and drug administration.  
24  
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