

AMENDED IN ASSEMBLY JUNE 24, 2004

AMENDED IN SENATE MARCH 16, 2004

Senate Joint Resolution

No. 24

Introduced by Senator Ortiz
(Coauthor: Assembly Member Koretz)

February 25, 2004

Senate Joint Resolution No. 24—Relative to pharmaceutical advertising.

LEGISLATIVE COUNSEL'S DIGEST

SJR 24, as amended, Ortiz. Pharmaceutical advertising.

This measure would memorialize the President and Congress of the United States to recognize the problems caused by direct-to-consumer advertising of prescription drugs by pharmaceutical companies and to take specified actions in the regulation of consumer advertising of prescription drugs.

Fiscal committee: no.

1 WHEREAS, The United States is one of ~~the~~ *just a few* countries
2 that allow pharmaceutical companies to advertise their
3 prescription drugs; and
4 WHEREAS, In 1997, the federal Food and Drug
5 Administration relaxed restrictions on the content of
6 direct-to-consumer prescription drug advertising, withdrawing
7 the prior requirement for a summary of side-effect and adverse
8 reaction information and replacing it with a requirement for a
9 statement about “major risks” but not “all risks”; and

1 WHEREAS, The shorter “major risk” statement made
2 television and radio advertisements about prescription drugs more
3 practicable; and

4 WHEREAS, Pharmaceutical companies spent \$1.6 billion on
5 direct-to-consumer television advertising in 2000, up from \$761
6 million in 1996; and

7 WHEREAS, While health care spending generally is expected
8 to increase by an average of 7.9 percent per year between 1998 and
9 2010, exceeding the 5.2 percent annual growth of 1993 to 1998,
10 total prescription drug expenditures will increase by 15 percent per
11 year as early as 2004; and

12 WHEREAS, Numerous studies have linked the increased
13 direct-to-consumer advertising to the exponential growth in
14 prescription drug expenditures; and

15 WHEREAS, Surveys suggest that 50 percent of the public
16 believes that direct-to-consumer advertisements of prescription
17 drugs must be submitted to the government for prior approval, 43
18 percent believe that only “completely safe” drugs may be
19 advertised directly to consumers, 22 percent believe that
20 advertising of drugs with serious side effect has been banned, and
21 21 percent believe that only “extremely effective” drugs may be
22 advertised directly to consumers, and yet, all of these beliefs are
23 untrue; and

24 WHEREAS, Consumers are placing pressure on their
25 prescribers to prescribe these drugs, some cases, inappropriately;
26 and

27 WHEREAS, In 1997, a study of family physicians revealed that
28 80 percent of them believed that direct-to-consumer advertising
29 “was not a good idea”; and

30 WHEREAS, The federal Food and Drug Administration has
31 begun a review of the policy that unleashed an explosive growth
32 of prescription drug advertising; now, therefore, be it

33 *Resolved*, That the President and Congress of the United States
34 and the United States Department of Health and Human Services
35 are memorialized to recognize the problems caused by
36 direct-to-consumer advertising of prescription drugs by
37 pharmaceutical companies; and be it further

38 *Resolved*, That the United States Food and Drug Administration
39 is requested to aggressively monitor and regulate
40 direct-to-consumer advertising of prescription drugs by



1 pharmaceutical companies, pending action by the President and
2 the Congress of the United States to limit, ban, or place increased
3 restrictions on that advertising; and be it further

4 *Resolved*, That the President and the Congress of the United
5 States are memorialized to limit or ban direct-to-consumer
6 advertising of prescription drugs by pharmaceutical companies,
7 or, alternatively, to require that those advertisements do the
8 following:

9 (1) Remind consumers that prescribers and pharmacists are the
10 best sources of information about appropriate medical treatment
11 and drug therapy.

12 (2) Explicitly state the success and failure rates of drugs and
13 compare them with other common products or no treatment.

14 (3) Mention alternate treatments by name and class.

15 (4) Recommend that consumers ask their prescribers and
16 pharmacists if a generic equivalent is available for their condition.

17 (5) Refer consumers to independent sources of drug
18 information; and be it further

19 *Resolved*, That the Secretary of the Senate transmit copies of
20 this resolution to the President of the United States, the Speaker of
21 the House of Representatives, the President pro Tempore of the
22 Senate, to each Senator and Representative from California in the
23 Congress of the United States, to the Secretary of the United States
24 Department of Health and Human Services, and the Director of the
25 United States Food and Drug Administration.

