MEMORANDUM

Agenda Item No. 10(A)(4)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE October 19,2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution urging U.S. Congress to ban prescription drugs from being advertised on television

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Natacha Seijas and Commissioner Bruno A. Barreiro.

Robert A. Ginsburg
County Attorney

RAG/jls

MEMORANDUM
(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: October 19,2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 10(A)(4)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 10(A)(4)
10-19-04

RESOLUTION NO. _____

RESOLUTION URGING THE U.S. CONGRESS TO PASS LEGISLATION BANNING PRESCRIPTION DRUGS FROM BEING ADVERTISED ON TELEVISION

WHEREAS, prescription drug spending is currently the fastest growing component of health care spending in the United States, increasing at an annual rate of about 18 percent; and

WHEREAS, promotional spending on prescription drugs now accounts for about 12 percent of U.S. prescription drugs sales; and

WHEREAS, direct-to-consumer advertising of prescription drugs (including television advertising), accounts for a growing share of the cost of prescription drugs; and

WHEREAS, between 1997 and 2001, pharmaceutical companies increased their spending on direct-to-consumer advertising for prescription drugs at a rate of 145 percent, while increasing their spending on research and development by only 59 percent; and

WHEREAS, pharmaceutical companies traditionally promoted prescription drugs exclusively to physicians, who acted as learned intermediaries who interpreted drug information for their patients; and

WHEREAS, one-fourth of patients now ask their physicians for a particular prescription drug they have seen in a direct-to-consumer advertisement and three-quarters of the patients requesting a particular prescription drug receive it from their physician; and

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WHEREAS, four-fifths of family physicians now believe that direct-to-consumer advertising of prescription drugs is not a good idea because it increases costs and promotes misleading views of prescription drugs, according to a recent study; and

WHEREAS, direct-to-consumer advertising of prescription drugs encourages patients to pressure their doctors for certain drugs, usually expensive brand-name drugs, and some doctors may be unwilling to alienate patients, sometimes providing the prescription drug even when unnecessary; and

WHEREAS, since 1971, the U.S. has banned television advertising for tobacco, and for the past 50 years, distillers in the U.S. have observed a voluntary ban on television advertising for liquor; and

WHEREAS, since 1978, Canada has prohibited advertisements of prescription drugs to the general public,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board urges the U.S. Congress to pass legislation banning prescription drugs from being advertised on television and requiring pharmaceutical companies to pass savings from advertisement funding to consumers.

Section 2. The Clerk of the Board is directed to transmit a certified copy of this resolution to the Chair and members of the Miami-Dade County Congressional Delegation.

Section 3. The Office of Intergovernmental Affairs is directed to include this issue in the County's 2005 federal legislative package.

The foregoing resolution was sponsored by Commissioner Natacha Seijas and Commissioner Bruno A. Barreiro and offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of October, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty

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