

NOVEMBER 1973 issue of CALIFORNIA PHARMACIST

Editorial

WHAT KIND OF GAMES ARE BEING PLAYED?

During the last week of the 1973 Legislative Session, the Pharmaceutical Manufacturers Association (PMA) introduced on taking up a bill, AB 1535, introduced on April 24, 1973, at the request of the drug industry. The purpose of this bill is to eliminate the requirement of AB 1404 to place the name of the manufacturer of the finished dosage form on the drug label and to product advertising.

The California Pharmaceutical Association, with the support of the California Medical Association, was successful in passing AB 1404 in 1971. The purpose of this legislation is to assist the physician and the pharmacist in knowing who actually manufactured the drug product being prescribed and dispensed to the patient.

The legislation, signed into law in 1971 by Governor Reagan, had passed the Legislature by a nearly unanimous vote. For two years the drug industry was successful in delaying implementation of AB 1404 through their constant instigation of misleading statements and a general smoke screen that hampered the Department of Health's efforts in adopting the necessary implementing regulation. Subsequently, the regulation to implement AB 1404 also was passed by a unanimous vote of the Board of Health.

When the industry was unable to defeat the bill and the regulation, they endeavored to gain CPhA's support to permit the manufacturer to merely file the required information as to the actual manufacturer of the drug product with the Department of Health. CPhA refused, inasmuch as it was recognized that this was a mere subterfuge on the part of PMA, to withhold the information from the practitioner. The State of California does not have the funds to serve as a data bank for the industry nor would such information on file in Sacramento be of any assistance to a pharmacist at the time that he elects to purchase or dispense a drug product.

Failing to gain CPhA's support, the drug industry has attempted to get the Legislature, via AB 1535, to buy their filing concept. They have amassed the efforts of their three Sacramento lobbyists and all of the resources that PMA can bring to bear to overturn AB 1404.

Their tactics at this 11th hour must be questioned.

Why did they endeavor on September 10th, the last week of the 73 Legislative Session, to have AB 1535 considered when it had been on file in the Committee since April 24th?

Inasmuch as the regulation which implements AB 1404 requires the name to appear on the label by June 1, 1974, what was the purpose of taking up AB 1535 on September 10th since it couldn't become effective, even if passed, until January 1, 1975?

Just as AB 581, the drug product selection bill, was taken off calendar a week before it was to be heard in the Senate Business and Professions Committee, similar strange influences were occurring with respect to AB 1535 in September.

It is difficult to understand why the drug industry is fearful of having the pharmacist and physician know who really makes their drug products.

PMA consistently maligns small manufacturers by suggesting their products may not be of adequate quality, yet they are attempting to deny the pharmacist the information that would be helpful to him in determining who actually makes the products.

It is equally difficult to determine why the Department of Health reversed itself at the 11th hour and switched from an oppose to a neutral position on AB 1535.

The PMA endeavored on September 10th to create the illusion that too much confusion surrounded AB 1404; no one but the industry, however, seems to be confused.

CPhA, under the provisions of the regulation, has written and obtained information with respect to the actual manufacturer which has readily been provided by many manufacturers and distributors as witnessed by the report contained in this and the October issue of the *California Pharmacist*.

What are the rest attempting to conceal and what kind of games are being played?

The Assembly Health Committee did not succumb to the PMA tactics on September 10th and refused to report the bill out of Committee. What will happen next January when the Committee reconvenes?

It will be well for you to make certain that your legislator knows that AB 1404, as it was enacted, is appropriate and helpful legislation and the subterfuge attempted by PMA through AB 1535 is not in the best interest of the profession or the public.

—RCJ