

March 10, 2010

## CHPA Comments on House Bill 327

Members of the Alaska House Judiciary Committee:

Thank you for the opportunity to comment on House Bill 327 on behalf of the Consumer Healthcare Products Association (CHPA). CHPA is the 129 year-old trade association representing the nation's leading over-the-counter medicine (OTC) and nutritional supplement manufacturers. H.B. 327 prohibits the sale of a product containing dextromethorphan to an individual younger than 18, unless the individual has a prescription. It also requires the seller to either clearly mark the products as for sale only to persons 18 years of age or older or by prescription, or place the products behind the counter. While CHPA applauds the purpose of this legislation and supports the age-18 sales restrictions, CHPA strongly opposes language that limits consumer access to dextromethorphan products or requires special labeling.

Dextromethorphan (DXM) is a safe and effective ingredient found in over 100 OTC cough and cold products. First approved by the U.S. Food and Drug Administration in the 1950's, it is a highly effective, non-narcotic cough suppressant that works by raising the coughing threshold in the brain; it has no pain relieving properties and is not addictive. While dextromethorphan is used safely by millions of Americans each year to relieve coughs due to the common cold or flu, we know that some young people are intentionally abusing products containing dextromethorphan in an effort to get high.

The nonprescription medicine industry takes very seriously the intentional abuse of cough medicine and has been engaged in educational efforts to curb abuse for a number of years. CHPA has teamed with the Community Anti-Drug Coalitions of America (CADCA), the Partnership for a Drug-Free America (PDFA), D.A.R.E. America, and WebMD to raise awareness among parents and in communities about the dangers of OTC cough medicine abuse. In 2009, these efforts were combined into one comprehensive web site: [StopMedicineAbuse.org](http://StopMedicineAbuse.org). This web site provides access to all the industry's initiatives and interactive programs to engage parents and community leaders in the fight against teen cough medicine abuse. Highlights of our campaign including the following:

- CHPA, in conjunction with PDFA, launched the Rx and OTC Medicine Abuse Education Campaign in May 2006. This multi-year communications campaign helps parents and families understand and prevent cough medicine abuse among teenagers and young adults.
- Since 2005, CHPA and CADCA have conducted nearly 20 town hall meetings nationwide to help alert communities to the issue of teen medicine abuse.
- In 2009, CHPA launched a collaborative destination on cough medicine abuse with WebMD. The site provides parents with information about abuse and its risks, and also gives parents practical tips to recognize the signs of abuse and methods to keep teens drug-free.
- CHPA has partnered with D.A.R.E., Abbott Labs, and PhRMA to produce lessons for 5th, 7th, and 9th graders, as well as a community program.
- In May 2007, CHPA launched "Five Moms: Stopping Cough Medicine Abuse," an online grassroots campaign to help parents fight teen medicine abuse. The Five Moms' goal is to get the word out to as many parents as possible that cough medicine abuse is happening in their homes, and that the Internet is a driving force. In 2009, the Five Moms Campaign became part of CHPA's overall Stop Medicine Abuse initiatives. Through the web site, parents can sign up for the electronic newsletter, view the "viral video," or use the "tell-a-friend" tool to spread the word about this teen substance abuse behavior.

Our campaign's reach extends to communities in Alaska. CADCA has coalitions in Anchorage, Kenai, Juneau, Yakutat, and Valdez, and D.A.R.E. has trained officers in our joint Rx/OTC abuse lessons in Fort Richardson, Cordova, Kodiak, Barrow, Soldotna, Fort Greely, Kenai, Nenana, Pilot Station, North Pole, and Anchorage. With CADCA, CHPA has produced a comprehensive, informational online video that allows interested community members to host their own town halls or hold multiple town halls. CHPA and its partners will continue these efforts to raise awareness and are interested in expanding programming into additional regions of the state.

CHPA also supports an age-18 restriction on sales of dextromethorphan-containing medicines. We believe this approach supplants the need to place these products behind the counter. Moving these products behind the counter would greatly reduce the consumer's ability to self select and significantly diminish the value that OTC medicines provide the healthcare system. More importantly, if products are moved behind the counter, consumers will not

have the ability to read labels and compare ingredients when making purchasing decisions. Further restriction could also result in retailers removing these products from their stores entirely and lead to a widespread access problem, which would be of great concern especially in the more remote areas of Alaska.

Finally, adding a labeling requirement for these products could increase the cost to the consumer because manufacturers would need to produce special labels only for those products sold in Alaska. CHPA member companies have voluntarily adopted the StopMedicineAbuse educational icon, which appears on thousands of dextromethorphan-containing medicines, so there would be little added benefit from additional labeling.

As outlined above, the industry has taken an aggressive approach and invested significant resources to combat cough medicine abuse. With so many campaigns and initiatives, we have a number of assets already in place that are useful, cost-effective, and will make a great impact in Alaska, without unnecessary restrictions on consumer access. It is our sincere hope that these issues can be adequately addressed so that CHPA can lend its unequivocal support to this legislation. However, in its current form, CHPA respectfully opposes H.B. 327.

Respectfully submitted by Rend Al-Mondhiry, State Legislative Counsel

To learn more about CHPA's efforts to promote safe medicine use, please visit:

- [www.StopMedicineAbuse.org](http://www.StopMedicineAbuse.org)