



News to You

Legislative Committee Chairman - Mike Roundtree

March 7, 2007

National Medical Association Supports DTC Advertising

The National Medical Association (NMA) released the results of a survey indicating that their member physicians support direct-to-consumer advertising as a means of educating patients and enhancing the doctor-patient dialogue. The NMA reported that the percentage of doctors who agree that prescription drug advertisements are beneficial to consumers jumped from 42 percent in 2001 to 65 percent today. Eighty percent of surveyed doctors cited advertising as a key reason patients learned about treatment options. The group recommended improvements to DTC advertising campaigns, including a call to provide information to doctors prior to advertising to consumers. Many of their suggestions have been adopted by the pharmaceutical industry.

"Do Not Mail" Bills Gain Traction in State Legislatures

Legislation creating "do not mail" registries has been introduced in at least 12 states this year. The bills would prohibit marketers from sending commercial mail to anyone who files an opt-out request with the state, in a manner similar to the National Do Not Call Registry. Arkansas, Colorado, Connecticut, Hawaii, Maryland, Michigan, Missouri, Montana, New York, Texas, Vermont and Washington have introduced bills so far. While the popularity of these bills are rising with state legislatures, no hearings discussing the negative implications of the bills have taken place.

Boston Considering Increasing Guerrilla Marketing Restrictions

The Boston City Council is considering increased marketing restrictions following two high-profile guerrilla marketing campaigns that wrecked havoc on the city in the past few months. City Council President Maureen Feeney said she will discuss increasing fines for unsanctioned marketing campaigns and further regulating such marketing. The City Council plans to hear from marketers as well as public officials before deciding whether any action should be taken.

Missouri Senate Bill Aims to Ban Sexually Oriented Billboards

A Missouri state senator has reintroduced legislation attempting to ban outdoor advertising of sexually oriented businesses. The bill, introduced by Sen. Matt Bartle, R-Lee's Summit, was originally passed in 2004, but was deemed unconstitutional by a federal appeals court. In its original version, the legislation prohibited adult-oriented businesses from using outdoor signs and billboards to advertise any products, including advertising for innocuous products. The modified bill is more narrowly tailored toward limiting the advertising of sexually oriented businesses but still raises serious First Amendment concerns. Some senators criticized the bill, saying that because the bill was already struck down in court, it was a waste of time and money to vote on the bill again.

Maryland Bill Would Tax Advertising-Related Service

Lawmakers in the Maryland House of Delegates have introduced legislation to extend the sales tax to numerous services, including advertising-related services such as public relations, business consulting, art services, photographic services and direct mail services. The bill (House Bill 448) currently has no Senate companion. It is scheduled for a hearing in the Ways and Means Committee on March 14. Jim Astrachan of the Advertising Association of Baltimore will be among advertising industry representatives testifying in opposition to the tax.