

Health Care Companies Abuse Of Rights

Elections Finance and Policy

Rep. Mike Freiberg , Chair

Rep. Emma Greenman, Vice Chair

Committee meeting Wednesday, February 14, 2024 at 8:30 a.m.

Thank you Representative Mike Freiberg and the committee. My name is Bob Robbins, I volunteer with Minnesota State Network of Move To Amend.

This testimony is not about our poor health care system. It is about the ability of health care companies to use their “rights” to their benefit and our loss.

The FDA had a rule that drugs could only be marketed to doctors for approved purposes. In 2015 a U.S. District Court judge held that a drug corporation has a First Amendment right to market drugs to doctors for purposes not approved by the FDA. (*Amarin Pharma, Inc vs. U.S. FDA*). Now drugs are sold for unapproved purposes.

Big pharmaceutical corporations decided they could make billions by lying about a drug's safety to children and the elderly. In 1997, a suit charged that the FDA's guidelines prohibiting disseminating information of a drug's off-label uses deprived companies of their First Amendment right to offer information to doctors. That ruling prohibited the FDA from enforcing its guidelines.

Per capita health spending in the U.S. was \$10,966 in 2019. That was 42% higher than the 2nd highest spending country, Switzerland, the country with the next highest per capita health spending” (Kamal, Ramirez & Cox, 2020).

Yet another world wide rating has the US healthcare system rated at 35th in efficiency. (*Bloomberg's Global Health Index For 2020*)

Corporate capture is a huge part of the reason we pay so much for so little return. Lobbyists and donors use their “free speech” money to persuade our governments that only people high up in the industry know how to govern it and the result has been very rewarding for them.

Thank you.

Bob Robbins

Inver Grove Heights, MN 55077

BobRobbins2@gmail.com

(Amarin Pharma, Inc vs. U.S. FDA).referenced in

Goodman, Ellen P. (2016, March 18). Big pharma, tobacco, tech - how the first amendment is being abused. *The Guardian*.

<https://www.theguardian.com/technology/2016/mar/18/apple-first-amendment-defense-big-pharma-tobacco-tech-companies>

(Kamal, Ramirez & Cox, 2020)

Kamal, R., Ramirez, G., & Cox, C. (2020, December 23). *How does Health Spending in the U.S. compare to other countries?* Health System Tracker.

<https://www.healthsystemtracker.org/chart-collection/health-spending-u-s-compare-countries/#item-start>

(*Bloomberg's Global Health Index For 2020*)

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<https://worldhealth.net/news/bloombergs-global-health-index-2020/>