

Rep. Opsommer offered the following resolution:

**House Resolution No. 171.**

A resolution to memorialize Congress to take actions to overturn the December 31, 2011, ban on the sale of over-the-counter inhalers used in the treatment of asthma.

Whereas, Inhalers rapidly deliver medication that is essential and potentially life-saving in the treatment of a sudden asthma attack. Currently, there is only one over-the-counter (OTC) inhaler available for the treatment of asthma. Effective December 31, 2011, the sale of that inhaler will be banned in the United States because it uses a chlorofluorocarbon (CFC) propellant to deliver the medication to the user's lungs. Alternative propellants are very costly. To date, only manufacturers of prescription inhalers have reformulated their medications and replaced the CFC propellant with the more costly alternative, more than doubling the cost of their medications. Manufacturers of OTC inhalers have not been able to justify the added cost of reformulating their medications as health insurance and tax-favored medical spending accounts cannot defray the added cost to consumers; and

Whereas, OTC inhalers can play a vital role in the care of asthma sufferers. When patients run out of prescription medications on the weekend or on vacation, an OTC inhaler may be their best option for treating a sudden attack and avoiding a costly emergency room visit. An OTC inhaler may save a life when there isn't time to call first responders or get to an emergency room when a severe asthma attack strikes. Lost inhalers can be quickly replaced with an OTC inhaler; and

Whereas, This ban is being sought under an international treaty to control emissions of CFCs that purportedly contribute to global warming, the so-called Kyoto Protocol. The Kyoto Protocol was never ratified by Congress and yet the U.S. Food and Drug Administration (FDA) has forced manufacturers to reformulate inhalers with very costly alternative propellants. These higher costs make OTC formulations less competitive and contribute to the rising costs of health care in this country. The therapeutic effectiveness of alternative inhalers has also been questioned. The ban on the remaining OTC inhaler may leave patients with less than optimal therapeutic options; and

Whereas, Exceptions to the phase out of CFCs are available for "essential uses" under the treaty. OTC inhalers should be deemed an essential use. Furthermore, the CFC emissions from these inhalers are trivial and can hardly be measured when compared to other sources of CFC emissions; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to take actions to overturn the December 31, 2011, ban on the sale of over-the-counter inhalers used in the treatment of asthma; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.