

Legal Policy and Chronic Disease Control: Avoiding Unintended Consequences

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Last Year

- Obesity Law: Rushing into the Void
 - Focused on potential issues that might arise from hurried efforts to pass laws to control obesity
- A year's experience has only increased my concerns with attempts to drive obesity policy ahead of a firm scientific basis for obesity policy

The Risks of Making Law and Policy in Haste

Public Health Implementation is a Zero Sum Game

- Every initiative takes time, people, and money
- Health departments, school districts, and social service agencies are at 110% capacity
- Every new mandate is at the expense of other functions
- Even if there is new money, it will be clawed back in other parts of the budget as time goes on

Vending Machines in Schools

- Driven by mission creep, which increased costs over the expansion of the tax base
 - Generates important income for many schools
 - Lead to the breakdown of rules against eating in schools, otherwise no income
- Removing them is fashionable, but not supported by evidence at this time
- What will the school have to do next?

School Lunches – Why Fast Food?

- Many schools are overcrowded because of limited public support
 - Lunches are served to many more students than the kitchens are designed for
 - Fast food, especially when it is supplied by third parties, is the only way to serve the crowd
- What will be impact of banning fast food?

Bad Policies Develop Strong Constituencies

- Some proposed legal reforms are driven by powerful interest groups such as surgeons and drug companies
- While not backed by good science, they are very effectively promoted to the public and the legislature
- They can consume precious dollars and do harm to patients, but are very difficult to resist

Insurance Mandates for Bariatric Surgery

- Old procedures were unsafe and ineffective
- New procedures are expensive, dangerous, with a high frequency of long term complications, and no proof of long term improvements in health
 - Remember, there is no FDA for surgery
- Highly profitable and no work for the patient
- Already overused – patients are told to gain a few pounds to qualify

FDA Approval and Insurance Mandates for Drug Treatments for Obesity

- Historically, drug treatment for obesity has been an expensive and dangerous failure
 - Medication is not a solution to a cultural problem
 - Must be life-long, you do not cure obesity
- Potentially very profitable, giving the drug companies strong incentives to overstate the risk of obesity

Legislative Priorities

- Legislatures only have so much time and interest in health issues
- It is critical that this not be squandered with ineffective legislation or legislation that has little impact on health
- Legislatures should not use “easy” legislation, such as banning sodas, to avoid more critical issues

Smoking is Still #1

- States that have not comprehensively addressed smoking limitations should not get distracted by obesity laws
- It is more important for a fat smoker – the most deadly combination – to stop smoking

Legislative and Agency Credibility

- Laws that adopt scientifically unsupported approaches to chronic disease prevention lessen the public support for public health
- These policies also consume valuable public health resources
- Agency policy that gets ahead of the science discredits the agency on all fronts

Special Problems with Obesity Policy

Scientific Uncertainty

- Limited good data
 - BMI is very weak data
 - Russell Crowe and AIDS
 - Limited data through time on individuals
 - Risks are genetically driven and heterogeneous
 - Moderate obesity may not matter for persons who are not predisposed to diabetes
- One size will not fit all

Cultural and Economic Determinates

- Natural consequence of a post-industrial society
- Physical activity may be the key
- Physical activity is very difficult to change
- Rooted in many other social policies
 - Land use – started as public health regulations
 - Disability rights
 - Asbestos abatement laws and brown fields

Long Term Problems

- Legislatures do not like to deal with problems that have no quick fix or whose fix is very expensive
 - Universal access to high quality primary health care is the most important problem in chronic disease control, including obesity
- If we find effective strategies for obesity control, they will take a very long time for results
- Even tobacco is easier because the solutions are cheap – bans instead of health care

Things that Do Make Sense Now

- Schools
 - Schools should teach about practical nutrition from the youngest grades
 - PE is as important as academic time
- Consumer information
 - Simplified food labeling
 - Calorie information on all prepared food
- Encourage flexible administrative actions
