



March 10, 2026

Maryland General Assembly
House of Delegates
Health Committee
90 State Circle
Annapolis, MD 21401

Testimony in Favor of HB 1133, Public Health - Drug Manufacturer-Funded Disease Awareness Campaigns - Registration and Required Disclosure

In May of 2021, “It’s Time We Know” was launched nationally as a disease awareness campaign aimed at educating the public about Mild Cognitive Impairment (MCI)¹. The website and social media posts told consumers that Mild Cognitive Impairment was a disease that affected one in 12 Americans and that the condition was most likely due to Alzheimer’s². Both of those statements were false.

The “It’s Time We Know” website also helpfully offered a “Symptoms Quiz.” Surprisingly, even if someone answered that they never had any symptoms of cognitive impairment, they were still directed to ask their doctor about cognitive screening.^{1,3} The website then listed specialists and clinics near one’s location where the newly worried consumer could get tests – including spinal taps – to aid in diagnosing MCI due to Alzheimer’s.³

This campaign, similarly to other industry- sponsored disease awareness campaigns, was about drug promotion, not public health education – it was launched about a month before the sponsor’s Alzheimer’s disease treatment was approved by the FDA. The website, social media posts, and newspaper advertisements were designed to scare normally aging Americans into thinking they had Alzheimer’s. The campaign inflated the prevalence of MCI and misinformed the public about the condition. MCI can be caused by many things, and while it can be a risk factor for Alzheimer’s, “it is not necessarily Alzheimer’s, and it does not usually lead to Alzheimer’s.”¹ This campaign, disguised as an effort to inform the public about a disease, was nothing more but an advertisement for aducanumab, an Alzheimer’s treatment that was so

¹ Fugh-Berman A, Bencivenga P. Do we all have Alzheimer’s? Drug makers might want you to think so. *The Baltimore Sun*. July 16, 2021. <https://www.baltimoresun.com/2021/07/16/do-we-all-have-alzheimers-drug-makers-might-want-you-to-think-so-commentary/>

² Biogen, Eisai. When Memory Fades. <https://www.nytimes.com/paidpost/biogen-memory/its-time-we-know/when-memory-fades.html>

³ Thambisetty M. When Memory Fades’: Misinformation about Alzheimer’s disease and Aduhelm must be limited. *STAT News*. July 21, 2021.

ineffective and excruciatingly expensive that the manufacturer eventually pulled it off the market.⁴

With HB 1133 in place, Maryland residents would have been informed that they were viewing a website created by the company developing a treatment for the condition being discussed. HB 1133 does not prohibit disease awareness campaigns, but simply ensures transparency in communicating with Maryland constituents.

The “It’s Time We Know” campaign is not a fluke or a one-off event. Promotion of a drug can start seven to ten years before the product is submitted for regulatory approval.⁵ Industry-funded disease awareness campaigns are an important part of the marketing plan for expensive drugs. These campaigns are also critical for treatments in the pipeline. Marketing drugs prior to FDA approval is illegal, but marketing diseases is not, so pharmaceutical companies sell diseases years before their treatment comes on the market under the guise of public health.^{6,7} Industry-funded disease mongering campaigns often exaggerate the prevalence of conditions and create anxiety in healthy people.^{7,8} Industry-sponsored disease awareness programs are a devious way to sell targeted drugs and it is not asking too much for Maryland residents to be properly informed about what they are being sold.

In some cases, pharmaceutical companies partner with – or create – advocacy groups to plan or manage disease awareness campaigns on the companies’ behalf.⁹ In these cases, HB 1133 only asks for transparency from the sponsors, without limiting speech or targeting specific groups. Advertising a drug through a third party shouldn’t be tolerated. The true purpose of the campaign should be transparent.

Those opposing this bill might claim that pharmaceutical companies are already heavily regulated, while pointing to the Physician Payments Sunshine Act.¹⁰ In fact, there is no overlap. HB 1133 is a necessary step because there are no federal regulations that require industry to be transparent about the groups and campaigns they sponsor. Transparency on payments to individual physicians is important as stipulated in the Sunshine Act, so is HB 1133 in requiring transparency around disease awareness campaigns.

⁴ Seegert L. Adieu, Aduhelm: Biogen pulls plug on controversial Alzheimer’s drug. *Association of Health Care Journalists*. February 5, 2024. <https://healthjournalism.org/blog/2024/02/adieu-aduhelm-biogen-pulls-plug-on-controversial-alzheimers-drug/>

⁵ Fugh-Berman A. How basic scientists help the pharmaceutical industry market drugs. *PLoS Biol*. 2013 Nov;11(11):e1001716. doi: 10.1371/journal.pbio.1001716.

⁶ Mintzes B. Disease mongering in drug promotion: do governments have a regulatory role? *PLoS Med*. 2006 Apr;3(4):e198. doi: 10.1371/journal.pmed.0030198.

⁷ Moynihan R, Heath I, Henry D. Selling sickness: the pharmaceutical industry and disease mongering. *BMJ*. 2002 Apr 13;324(7342):886-91. doi: 10.1136/bmj.324.7342.886.

⁸ Doran D, Henry D. Disease mongering: expanding the boundaries of treatable disease. *Internal Medicine Journal* November 2008; 38(11):858-861

⁹ Batt S, Butler J, Shannon O, Fugh-Berman A. Pharmaceutical Ethics and Grassroots Activism in the United States: A Social History Perspective. *J Bioeth Inq*. 2020 Mar;17(1):49-60. doi: 10.1007/s11673-019-09956-8.

¹⁰ S.301 - Physician Payments Sunshine Act of 2009. <https://www.congress.gov/bill/111th-congress/senate-bill/301>

Industry-funded disease awareness campaigns always support a specific drug or treatment. The residents of the state of Maryland deserve to have this information. Please help make HB 1133 a reality for Marylanders.

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Disclosure: PharmedOut has previously received funding from the Kaiser Permanente Institute for Health Policy and the National Institute of Health Care Management.