February 13, 2007

Chairman Paul Condino
House Judiciary Committee
Michigan House of Representatives
N0799 House Office Building
P.O. Box 30014
Lansing, MI 48909-7514

Dear Chairman Condino:

On behalf of Novartis Pharmaceuticals Corporation, I am writing to express our opposition to Legislative Bills HB4044, 4045, 4046 which would repeal tort reform legislation passed in Michigan over a decade ago and to ask that you vote to oppose these bills.

House Bills (HB) 4044-4046 could open up the courts in Michigan to hundreds, perhaps thousands, of frivolous lawsuits. These bills would make the repeals retroactive and allow a suit to be filed involving an alleged injury that happened up to 12 years ago, even while the existing law was in place. This could have a negative impact on the economy in Michigan and could put a chill on the innovation driving the research for new cures and life-saving drugs. In addition, it sets a dangerous precedent that may ultimately open the door to similar legislation on other industries.

HB 4044-4046 are unnecessary because drug companies do not have blanket immunity under Michigan's FDA defense law. A Michigan resident may proceed with a lawsuit against a drug manufacturer if they first follow an established administrative process that results in a finding by the FDA of wrongdoing by the drug manufacturer. The current law and process strike an appropriate balance, permitting the FDA to do its job, but allowing punishment for companies that withhold valuable information and interfere with the drug approval process. Furthermore, Michigan is not the only state that has a FDA defense type of law. Several other states, including Texas most recently, have enacted similar protections from liability where the drug in question was approved by the FDA.

HB 4044-4046 are unnecessary and have serious implications for the future of drug development as well as other industries. We ask that you reject this approach and vote to oppose these bills.

Sincerely,

Richard Knapp
Executive Director
State Government Affairs