MEMORANDUM

TO: Members, Michigan House of Representatives

FROM: Terry Kowalenko, MD, FACEP, President, Michigan College of Emergency Physicians

RE: House Bills 4044-4046

DATE: February 13, 2007

The Michigan College of Emergency Physicians opposes House Bills 4044-4046, which would increase liability exposure to pharmaceutical manufacturers. As we continue to watch the Michigan economy struggle, the College cannot support passage of these three bills which will further exacerbate the economic climate here in Michigan.

While we sympathize with Michigan residents who believe they have legitimate claims against the pharmaceutical manufacturers and who claim current Michigan law does not allow lawsuits against those same manufacturers, we believe that any legislative or administrative solution must first begin with the drug approval process at the federal level. And, it is our understanding that current law allows lawsuits if the pharmaceutical manufacturers have withheld data or information that would have affected the Federal Drug Administration approval process.

Current federal law requires pharmaceutical manufacturers to undergo a lengthy and expensive process for approval of their products. We are not aware of any other federal or state approval process required of anyone to market their products. And, we are also acutely aware of the facts that no product or procedure is completely without risk. Yet, the controversy continues surrounding the limited immunity enjoyed by pharmaceutical manufacturers in this state. Again, we would suggest that one first looks to the FDA approval process prior to increasing the exposure for those who provide Michigan providers and residents with vital and life saving products.

We would respectfully request you to oppose House Bill's 4044-4046. Thank you for your consideration of our position.