MICHIGAN STATE MEDICAL SOCIETY

120 WEST SAGINAW STREET, EAST LANSING, MICHIGAN 48823, PHONE 517/337-1351
FAX 517/337-2490

February 14, 2007

MEMO TO: House Judiciary Committee

FROM: Paul O. Farr, MD

RE: House Bill 4044

On behalf of the more than 15,000 physicians of the Michigan State Medical Society (MSMS), I am writing in opposition to House Bill 4044. This legislation seeks to amend the existing legal and regulatory framework that provides immunity to drug manufacturers and sellers for products approved by the Food and Drug Administration.

Prior to their approval, pharmaceuticals are the subject of considerable research and require rigorous testing. In spite of all of the protocols in place by the Food and Drug Administration, there is still a balance between getting products to market and assuring the absolute safety of a pharmaceutical product. Limiting the provision in Michigan law that allows pharmaceutical manufacturers dedicate their resources toward research as opposed to defending lawsuits would not equate to better patient care.

Physicians are specifically concerned with changes to the law that repeal the immunity afforded to the seller of a pharmaceutical product. In many instances, this term would include a physician. Therefore, repeal of immunity for drugs approved by the FDA places many physicians at risk of exposure to a lawsuit. A potential unintended consequence of this law could be a chilling effect on physicians from prescribing certain types of medications.

Physicians are committed to assuring the highest quality of care to their patients. Unfortunately, a few high-profile examples have severely damaged the reputation of an industry that has improved the quality of life through their innovation and development of new drugs and therapies for millions of people. Because the risks associated with repeal of the FDA defense outweigh the potential benefits, MSMS opposes House Bill 4044.

Printed on Recycled Paper