

**Report on Public Policy Position****Name of section:**

Negligence Law

**Contact person:**

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[HB 4316](#) (Brown) Torts; product liability; limitation on liability for drugs that have been approved by federal food and drug administration; rescind. Amends sec. 2946 of [1961 PA 236](#) (MCL [600.2946](#)).

[HB 4317](#) (Kennedy) Civil procedure; statute of limitations; drug product liability cases previously prohibited because of FDA approval defense; allow to be commenced within 3 years after repeal of the defense. Amends sec. 5805 of [1961 PA 236](#) (MCL [600.5805](#)).

[HB 4318](#) (Slavens) Consumer protection; unfair trade practices; liability for inaccurate representations concerning risks of certain drugs, medications, and supplements; clarify. Amends secs. 2 & 3 of [1976 PA 331](#) (MCL [445.902](#) & [445.903](#)).

**Date position was adopted:**

April 7, 2009

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

14

**Number who voted in favor and opposed to the position:**

9 Voted for position

0 Voted against position

5 Did not vote

**Position:**

Support

**Explanation of the position, including any recommended amendments:**

The section supports the repeal of laws that make pharmaceutical companies immune from lawsuits for FDA approved medications.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://legislature.mi.gov/doc.aspx?2009-HB-4316>

<http://legislature.mi.gov/doc.aspx?2009-HB-4317>

<http://legislature.mi.gov/doc.aspx?2009-HB-4318>