

Repealing Michigan's drug industry immunity law. **Facts versus Fiction**



FICTION: There is no 'get-out-of-jail-free' total drug industry immunity law! The business lobbyists say there are lots of loopholes and exceptions and some kind of bureaucratic administrative remedy inside the FDA to protect us. All people have to do is file a complaint. Right?

FACT: There are no loopholes or exceptions.

Michigan's egregious drug industry immunity law gives total immunity to the drug industry. There is **no** legal recourse for families who have lost a loved one or people who have suffered debilitating health issue due to dangerous drugs.

The US Supreme Court, and the US 6th Circuit Court of Appeals have declared Michigan's drug industry immunity from legal recourse to be total, with no "exceptions." That is the law.

FICTION: The drug industry immunity law protects jobs, and if a few people are hurt by it, well, that's the cost of a thriving economy.

FACT: The law kills jobs. And people.

Since the drug industry immunity law was passed in 1995, Michigan has *lost* the majority of its jobs in the drug industry. Pfizer recently announced it is pulling 2700 drug industry jobs out of Michigan and moving them to states that do not have drug industry immunity!

We do not have to injure and kill people and pass the costs of those injuries and deaths on to taxpayers in order to create jobs.

FICTION: If we repeal this law, no matter how bad it is, it will cost the state money and hurt our economy.

FACT: A repeal will save taxpayers millions of dollars.

The thousands of people injured, disabled and killed by dangerous drugs in Michigan didn't just disappear when this law was passed. The huge costs of medial expenses, surgeries, transplants, lost wages, bankrupt business, rehabilitation, bad debt, ruined credit, destroyed families and human suffering did not disappear when the wrongdoers were given immunity.

Instead, all of these costs were transferred from the drug makers who profited from the dangerous drugs, to the taxpayers, who now carry this burden.

Why should the people of Michigan pay the bill for drug makers who kill with dangerous products?

<p>FICTION: The big business lobby says most experts and other people support the drug industry immunity law.</p>	<p>FACT: A bi-partisan majority of lawmakers, experts from related fields, and 72% of Michigan voters oppose drug industry immunity and support its repeal. There is a reason Michigan is the only state with such a bad law on the books.</p>
<p>FICTION: The drug industry says that there is a “balance” between allowing a few dangerous drugs that might kill us, and saving the industry money so they can make new drugs.</p>	<p>FACT: Drug industry immunity is about drug industry profits, pure and simple.</p> <p>Drug making is very, very profitable. Merck – maker of Vioxx—made \$2.3 billion off that deadly and recalled drug in just the one year prior to its recall and \$11 billion overall..</p> <p>It is not just ridiculous, but a bit scary to argue that people must be killed by dangerous drugs -- drugs the industry knew were dangerous-- so that the industry will be guaranteed enough profit to make more such drugs.</p>
<p>FICTION: Lots of states give the drug industry immunity. Big business says it is pretty normal.</p>	<p>FACT: Michigan is the only state to grant the drug industry absolute immunity. The only one.</p> <p>The industry refers to this as “Michigan’s <u>absolute</u> FDA compliance defense,” and in the Pharmaceutical and Medial Device Law Bulletin, for example, the industry lawyers note that “Michigan is the only state” to have such a law, and that “with the exception of Michigan, no other state” has created such an immunity. [see “A Call for Continued State Law Tort Reform <i>Compliance with FDA Regulations As a Bar to Pharmaceutical Product Liability Litigation</i>” Pharmaceutical and Medial Device Law Bulletin, Volume 4, Number 3, March 2004]</p> <p>Michigan’s “absolute” drug industry immunity is unique.</p>
<p>FICTION: The drug industry says this is just about the victim’s lawyers.</p>	<p>FACT: Lawyers don’t kill and injure people with dangerous drugs. Lawyers didn’t kill 55,000 Vioxx victims.</p> <p>Blaming lawyers for dead and injured drug victims is like blaming the police for crime victims. If drug companies were not profiting from deadly drugs then there would be no need for those who have lost loved ones or experienced harm to seek accountability in court.</p> <p>Big business loves to try to blame their wrongdoing on the people’s lawyers who hold them accountable. Notice they don’t criticize the teams of lawyers they hire to protect themselves.</p>