

Patient Lawsuits against Drug Companies

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3 **WHEREAS** pharmaceutical companies are responsible for presenting accurate
4 information to the public and to the Food and Drug Administration (FDA) regarding
5 possible harmful side effects of their products;

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7 **WHEREAS** the FDA no longer has the funding or the manpower to adequately regulate
8 drug companies;

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10 **WHEREAS** lawsuits have provided oversight of drug safety when the FDA has not,
11 including suits over the now-withdrawn pain pill Vioxx, the diabetes medication
12 Rezulin, and several antidepressants, among others;

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14 **WHEREAS** Johnson and Johnson obscured evidence that its Ortho Evra birth control
15 patch delivered substantially more estrogen than standard birth control pills, to a level
16 exceeding that allowed in pills;

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18 **WHEREAS** increased levels of estrogen are known to be associated with higher risks of
19 blood clots;

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21 **WHEREAS** more than 3000 women and their families have sued Johnson and Johnson,
22 asserting that users of the patch experienced heart attacks, strokes, lung clots, and in 40
23 cases, death;

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25 **WHEREAS** Johnson and Johnson is claiming in court that it cannot be sued by these
26 plaintiffs on the basis of "pre-emption," arguing the company is not liable because the
27 FDA approved the patch;

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29 **THEREFORE BE IT RESOLVED** that the federal government must reinstate the
30 regulatory powers of the FDA by increasing their funding and expertise to levels
31 needed to perform their duties;

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33 **THEREFORE BE IT FURTHER RESOLVED** that said duties should include the ability
34 to critically and independently analyze data for the public good and to penalize
35 companies which fail to follow agency rules without fear of reprisal;

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37 **THEREFORE BE IT FURTHER RESOLVED** that drug companies that hide or distort
38 negative data relating to their products should be liable in a court of law, regardless of
39 prior FDA approval. The doctrine of pre-emption does not permit misrepresentation of
40 facts; and
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42 **THEREFORE BE IT FINALLY RESOLVED** that we request that our Congressional
43 Delegation do everything in their power to help enact legislation to support this
44 resolution.
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47 Submitted by the Lisa Plymate, 34th LD to the Democratic Central Committee for
48 consideration at its June 14 convention in Spokane. (Date Submitted 5/11/2008)

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50 The Resolutions Committee "RECOMMENDED A PASS" at its May 31, 2008 meeting in
51 Ellensburg.

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53 The Washington State Democratic Convention "PASSED" this resolution at its June 14,
54 2008 meeting in Spokane.