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PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

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## *House of Representatives*

### **PROTECTING AMERICAN CONSUMERS FROM DRUG MANUFACTURING!**

#### **HON. BOB FILNER**

OF CALIFORNIA  
IN THE HOUSE OF  
REPRESENTATIVES

Mr. Speaker, I recently introduced H.R. 542, the Consumer Protection Act. This bill will repeal the Learned Intermediary Doctrine and allow the American consumer to sue a drug manufacturer directly.

Medications are meant to heal us, but sometimes, something goes horribly wrong, and the medicine that was supposed to make us better, only makes us sicker. When this happens, Americans should be able to hold the drug manufacturers responsible.

However, because of a court precedent called the Learned Intermediary Doctrine, Americans are not able to sue the manufacturers of the drug that harmed them. According to the Learned Intermediary Doctrine, a patient cannot sue the drug manufacturer on the grounds that their doctor (the Learned Intermediary) should be able to warn them about the possible negative side effects.

However, in this day of direct to consumer advertising, so often Americans get their information about medication from the manufacturer's advertising, or off the internet. H.R. 542, the Consumer Protection Act, will repeal the Learned Intermediary Doctrine, allowing the consumer to sue the drug manufacturer directly. If drug manufacturers are able to advertise directly to the consumer, then they must be held responsible when something goes wrong.