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DRUG PRODUCT LIABILITY: ACCRUAL OF CLAIM

House Bill 4165

Sponsor: Rep. William Callahan
Committee: Family and Civil Law

Complete to 3-1-99

A SUMMARY OF HOUSE BILL 4165 AS INTRODUCED 2-3-99

Under the Revised Judicature Act (RJA), the statute of limitations in a civil action begins to run from the time the claim "accrues" (that is, becomes an enforceable right). Generally, unless otherwise provided in law, a claim accrues (and the statute of limitations begins to run) when the wrong that the claim is based upon occurs. However, certain types of claims have special rules regarding when the claim accrues, and House Bill 4165 would amend the act to specify that in a pharmaceutical product liability action, a claim would not accrue until injured party both knew of the injury and knew of the causal connection between the injury and its cause.

The bill would also delete a section of the RJA that prevents a pharmaceutical manufacturer or seller from being liable in a product liability action where the drug was approved for safety and efficacy by the United States Food and Drug Administration (FDA) and the drug and its labeling are in compliance with FDA regulations, unless the manufacturer or seller had engaged in fraud or bribery.

MCL 600.2946, 600.5827 and 600.5828

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.