



TESTIMONY OF KEVIN LAYNE

Senate Subcommittee on Pharmaceutical Liability

March 29, 2012

My name is Kevin Layne. With my twin brother, I own Layne's Family Pharmacy in Eden, North Carolina, in Rockingham County. I have been a licensed pharmacist in North Carolina for 22 years since I graduated from UNC in 1990. Our pharmacy dispenses prescriptions to people in an eight-county area and provides statewide coverage through our long-term care pharmacy. We employ approximately 50 North Carolinians. I am politically unaffiliated.

My customers are neighbors, friends, church members, and family. I take my role seriously as a health care provider. Our company strives to do all we can to maintain the health of our customers.

I am here today because I am opposed to this bill. It is never a good idea to give legal immunity to companies whose goal is profit. That is especially true when the health and safety of our people are at stake.

To give you an example: A number of years ago, Tamara Ayers, a young mother in Eden, was given a medication called Parlodel – a lactation suppressant -- a few days after her son was born. Other drug manufacturers who had made similar products began to remove them voluntarily from the market when the risks of death became apparent as young mothers were dying all across the United States. Sandoz, the manufacturer of Parlodel, chose to continue to sell its product and not warn doctors or the mothers who were taking the pills that they could cause death. Tamara Ayers died when her baby was a week old because of that corporation's decision to choose profits over people.

How does this bill benefit North Carolina? It doesn't.

For three reasons:

- First, if drug companies have immunity, then they have no continuing incentive to ensure that their drugs are safe, to monitor adverse events, or to warn customers of dangerous side effects. This bill would allow the drug companies simply to obtain FDA approval, sell their drugs to North Carolinians, and never look back. With

immunity, a drug company would have no reason to recall a dangerous drug if the drug continued to be profitable. e.g. Vioxx

- Second, if a defective drug injures North Carolina citizens, Medicare and Medicaid will be unable to recoup the expenses incurred in treating the injuries. Many of my pharmacy customers are Medicare and Medicaid recipients. If the immunity bill is passed, then Medicare and Medicaid will be forced to bear the expense of the drug company's negligence, with no recourse. Why would we do anything to push the burden of wrongdoing onto our state and federal taxpayers?
- Third, this bill doesn't provide an incentive for drug companies to locate or expand their operations in North Carolina, or to keep their operations in North Carolina. It creates no jobs for North Carolinians. The bill provides immunity for pharmaceutical manufacturers wherever they are located – New Jersey, South Carolina, Russia or China. And while citizens in 47 other states retain their legal rights, North Carolinians will be left with no access to the courts.

In this bill, I see grave risks for the health and safety of my neighbors, and no benefit for my community or the state of North Carolina. I believe that everyone – including multinational drug companies -- needs to be accountable for their actions. Laws that create immunity erode personal responsibility. That's not what we need in North Carolina. Please reject this bill.