

**SUMMARY OF JEFFREY AXELRAD'S COMMENTS  
PRESCRIPTION DRUG IMPORTATION PUBLIC MEETING  
April 14, 2004**

Liability concerns definitely would exist for entities in the U.S. pharmaceutical distribution system even if importation of drugs from Canada or another country were permitted to the extent that the entities facilitate importation. Specifically, the entities would subject themselves to the full panoply of state tort damage remedies associated with the sale of drugs in the event that an individual recipient of a drug claims an injury due to use of the drug. Importation might well bar an importing entity from establishing a direct causal link between the manufacture of a drug by a U.S. manufacturer and the drug's subsequent alleged cause of an injury to an individual. The importing entity consequently may well be solely responsible for any damages suffered as well as for litigation costs. At a minimum, the importing entity would likely be embroiled in litigation claiming that it is liable to pay a share of the damages.