

**CITY OF WASILLA
RESOLUTION SERIAL NO. 09-18**

A RESOLUTION OF THE WASILLA CITY COUNCIL SUPPORTING ALASKA'S VETERANS, CONSUMERS, AND SMALL BUSINESSES BY OPPOSING THE MEDICAL DEVICE SAFETY ACT OF 2009, PROPOSED IN THE U.S. SENATE AS S.540 AND IN THE U.S. HOUSE AS H.R.1346.

WHEREAS, the Medical Device Safety Act of 2009 seeks to undo the protection from lawsuits granted to medical device inventors when they have already passed federal regulatory guidelines and testing set forth under the Food and Drug Administration; and

WHEREAS, the federal government should protect the inventors and designers of new, life-saving and federally approved medical devices; and

WHEREAS, the flood of lawsuits that would follow the passage of such a harmful law would likely lead to the shutdown of hundreds of small businesses dedicated to the design of medical devices and stifle innovation; and

WHEREAS, our military veterans deserve the finest, modern medical devices and technologies when they return home from Iraq and Afghanistan, such as motorized prosthetics, heart stents, pacemakers, and reconstructive surgery; and

WHEREAS, Wasilla is also home to hundreds of veterans of military operations in Somalia, Kosovo, Vietnam, Korea and World War II who also depend on these life-bettering medical devices as they grow older; and

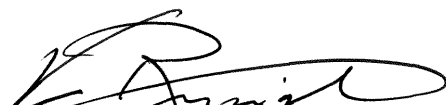
WHEREAS, the Medical Device Safety Act of 2009 is opposed by groups large and small, including the Mat-Su Veterans Council, Vietnam Veterans of America Alaska Chapter, the Alaska Veterans Business Alliance, the Alaska Council of Veterans,

Vietnam Veterans of America National Chapter, and the United States Chamber of Commerce.

NOW, THEREFORE, BE IT RESOLVED, to protect Alaskan veterans, consumers, and small businesses, the City of Wasilla opposes the Medical Device Safety Act of 2009.

BE IT FURTHER RESOLVED that this resolution shall be forwarded to Senator Lisa Murkowski, Senator Mark Begich, and Representative Don Young.

ADOPTED by the Wasilla City Council on June 8, 2009.


VERNE E. RUPRIGHT, Mayor

ATTEST:


KRISTIE L. SMITHERS, MMC, City Clerk

[SEAL]

VOTE: Cox, Hall, Harris, Holler, Larson and Woodruff in favor.



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

Resolution Serial No. 09-18: A RESOLUTION SUPPORTING ALASKA'S VETERANS, CONSUMERS, AND SMALL BUSINESSES BY OPPOSING THE MEDICAL DEVICE SAFETY ACT OF 2009, PROPOSED IN THE U.S. SENATE AT S.540 AND IN THE U.S. HOUSE AS H.R.1346.

Agenda of: June 8, 2009

Date: May 28, 2009

Originator: Office of the City Clerk for Council Member Woodruff

Route to:	Department	Signature/Date
	Chief of Police	
	Recreational and Cultural Services Manager	
	Public Works Director	
X	Finance Director	<i>[Signature]</i> 5-29-09
X	Deputy Administrator	<i>[Signature]</i>
X	City Clerk	<i>[Signature]</i>

REVIEWED BY MAYOR VERNE E. RUPRIGHT: *[Signature]*

FISCAL IMPACT: yes no

Funds Available yes no

Account name/number:

Attachments:

SUMMARY STATEMENT:

Good old American ingenuity is one of the things that made our country great. The Medical Device Safety Act of 2009 effectively eliminates the federal pre-emption which protects the designers of medical devices from lawsuits in state court.

The unintended consequences of the act would be to place responsibility for product safety not in the hands of trained experts, but in the hands of lay juries in state courts, to drive up the number of lawsuits, to put businesses out of business, and to prevent innovations that could vastly improve the health and quality of life for our citizens, particularly our veterans, from ever reaching the market.

STAFF RECOMMENDATION: Approve the adoption of Resolution Serial No. 09-18.