



Senator Tim Owens
Chair, Senate Judiciary Committee
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Topeka, Kansas 66612

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Re: Support for SB 106

Chairman Owens and members of the Committee,

I am writing on behalf of GlaxoSmithKline (GSK), a global pharmaceutical and vaccine manufacturing company. GSK encourages you to pass SB 106, which seeks to clarify and better define important consumer protection provisions in Kansas law and will promote consistency and fairness in litigation.

First, SB 106 seeks to codify into statute a commonsense Kansas Supreme Court ruling that says that in order for a consumer to recover damages for a violation of the Kansas consumer protection act ("Act"), the consumer must prove the violation *caused* him or her to enter into the transaction that resulted in his or her loss. The bill also seeks to clarify that the measure of damages for private plaintiffs under the Act is their out of pocket loss. The Act currently provides no guidance for determining damages in a private action. SB 106 will bring clarity and predictability to the measure of damages in consumer protection act cases.

SB 106 also provides that the Act does not cover conduct that is regulated or permitted by the state or federal government. This bill seeks to bring Kansas in line with the majority of state legislatures which recognize that consumer protection laws were meant to address situations where product safety is not already regulated by the government.

Furthermore, SB 106 seeks to promote consistency between federal and state consumer protection laws, so federal and state regulators do not work at cross purposes and so businesses can reasonably rely on what behaviors are considered acceptable and what are not.

Clarity and predictability in the law is extremely important to fostering a strong economy, as businesses can make better investment and development choices when they have clear guidance on the legal rules they seek to follow.

GSK strongly encourages you to pass SB 106.

Sincerely,

P.D. Villarreal
Senior Vice President of Global Litigation
GlaxoSmithKline

Senate Judiciary
2-17-11
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