

Amendments to House Bill No. 409
3rd Reading CopyDate 3-23-09Bill No. HB 409

Requested by Senator Terry Murphy

For the Senate Public Health, Welfare and Safety Committee

Prepared by Lisa Mecklenberg Jackson
March 20, 2009 (1:09pm)

1. Page 9, line 28.

Following: "~~(1)~~"**Insert:** "(1)"

2. Page 10.

Following: line 11**Insert:** "(2) Except as provided in subsection (3):

(a) a person or entity, including the manufacturer of a cancer drug or device that exercises reasonable care in donating, accepting, distributing, or dispensing a cancer drug or device under the provisions of [sections 1 through 3] and rules adopted by the board, is immune from civil or criminal liability or professional disciplinary action of any kind for an injury, death, or loss to a person or property relating to the accepting, distributing, or dispensing of the cancer drug or device;

(b) a person or entity, unless directly negligent, is not liable for the negligence or lack of care of other persons or entities and is entitled to the immunity of this part.

(3) (a) The donation of a cancer drug or device by the manufacturer of the drug or device does not absolve the manufacturer from criminal or civil liability or increase a liability that would have existed had the drug or device not been donated.

(b) The civil immunity provisions of subsection (2) do not apply to a person employed by or an entity operated by the state or a political subdivision of the state."

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