

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

DID YOU KNOW? Corporations **VOTED** to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a **VOICE** and a **VOTE**," according to newly exposed documents. **DO YOU?**

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Good Samaritan Drug and Medical Supply Donation Act

Summary

The purpose of this Act is to encourage the donation of medical supplies and drugs by the private sector to nonprofit organizations for distribution to needy individuals without the threat of liability. The Act protects a person, corporation, partnership, organization, association, or governmental entity from the civil or criminal liability arising from the nature, age, packaging, or condition of drugs or medical supplies that the entity donates in good faith to a nonprofit organization for ultimate distribution to needy individuals. The immunity would not apply to an injury to or death of a recipient that shall result from an act or omission of the donor constituting gross negligence or intentional misconduct.

Model Legislation

{Title, enacting clause, etc.}

Section 1. This subsection may be cited as the Good Samaritan Drug and Medical Supply Donation Act.

Section 2. {Definitions}

(A) "Donate" means to give without requiring anything or significant monetary value from the recipient. The term shall include giving by a nonprofit organization to another nonprofit organization where the donor organization has charged a nominal fee to the donor organization, and distribution by a nonprofit organization to an ultimate recipient who has been required to pay a nominal fee to the nonprofit organization.

(B) "Drug" means:

(1) any article recognized in the official United States Pharmacopoeia, or the official National Formulary, or any supplement to them; or

(2) any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man, or

(3) any article other than food intended to affect the structure or any function of the human body; but does not mean medical supply as defined in this Subsection.

(C) "Gross negligence" means conduct by a person with knowledge, at the time of the conduct, that the conduct is harmful to the health or well-being of another person.

(D) "Intentional misconduct" means conduct by a person with knowledge, at the time of the conduct, that the conduct is harmful to the health or well-being of another person.

(E) "Medical supply" means any instrument, apparatus, implement, contrivance, implant, in vitro reagent, or other similar or related article including any component, part, or accessory, which is:

(1) recognized in the official National Formulary, or the official United States Pharmacopoeia, or any supplement to them,

(2) intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease in humans; or

(3) intended to affect the structure or any function of the human body, and which does not achieve any of its principal intended purposes through chemical action within or on the human body and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(F) "Nonprofit organization" means an incorporated or unincorporated entity that:

(1) is operating for religious, charitable, or educational purposes; and

(2) does not provide net earnings to, or operate in any other manner that insures to the benefit of, any office employee, or shareholder of the entity. As used in this paragraph, earning shall not include employee compensation.

(G) "Person" means an individual, corporation, partnership, organization, association, or governmental entity including but not limited to a drug manufacturer, medical supply manufacturer, retail pharmacy, hospital pharmacy, wholesaler, clinic, physician, nurse,

Did you know that global pharmaceutical company Bayer Healthcare was the corporate co-chair in 2011?

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For more on these corporations, search at www.SourceWatch.org.

hospital, dentist, outpatient health facility nursing home, home health care entity, or nonprofit drug or medical supply distributor. In the case of a corporation, partnership, organization, association or government entity, the term includes as officer, director, partner, deacon, elder, pastor, rabbi, trustee, council member, or other elected or appointed individual responsible for the governance of the entity.

Section 3. {Liability for Damage from Donated Drug or Medical Supply} A person shall not be subject to any civil or criminal liability arising from the nature, age, packaging, or condition of drugs or medical supplies that the person donates in good faith to a nonprofit organization for ultimate distribution to needy individuals, except that this paragraph shall not apply to an injury to or death of an ultimate user or recipient of the drug or medical supply that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

Section 4. {Partial Compliance} If some or all of the donated drugs or medical supplies do not meet all quality and labeling standards imposed by federal, state, and local laws and regulations, the person who donates the drug or medical supply shall not be subject to civil or criminal liability in accordance with this Subsection of the nonprofit organization that receive the donated drug or medical supply:

(1) is informed by the doctor of the distressed or defective condition of the donated drug or medical supply and

(2) agrees to take necessary measures to comply with all relevant quality standards imposed by federal, state, and local laws and regulations prior to distribution of the donated drug or medical supply; and

(3) is made knowledgeable as to the quality standards applicable to the donated drug or medical supply under federal, state, and local laws and regulations.

Section 5. {Conclusion} This Act shall not be construed to create any liability.

Section 6. {Severability Clause}

Section 7. {Repealer Clause}

Section 8. {Effective Date}

Were your laws repealed?

Adopted by the Health and Human Services Task Force and approved by the ALEC Board of Directors in 1991. Amended for the 1995 Sourcebook of American State Legislation, and again at the 2002 Annual Meeting.

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