To amend Chapter {___} of Title {___} of the Official Code of {insert state} Annotated, relating to general provisions of torts, so as to provide for limited liability for physicians and pharmaceutical companies from claims for damages incurred pursuant to prescriptions filled from outside the United States or its territories.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF {insert state}

Section 1. Chapter {___} of Title {___} of the Official Code of {insert state} Annotated, relating to general provisions for torts, is amended by adding at the end thereof of a new Code section, to be designated Code Section {___}, to read as follows:

Section 2. Notwithstanding any other provision of law or rule of civil procedure, a physician licensed under Chapter {___} of Title {___} or a pharmaceutical company shall not be subject to civil liability in an action for damages caused by the plaintiff filling a prescription with a product from outside the United States or its territories and in violation of the Federal Food, Drug, and Cosmetic Act (Title 21 of the U.S. Code of Federal Regulations), unless the plaintiff pleads specific facts which, if proven, amount to negligence of such physician and/or pharmaceutical company.

Adopted by the Health and Human Services Task Force at the Spring Task Force Summit on April 30, 2005. Approved by the ALEC Board of Directors May, 2005.

Related Files
Drug Re-Importation Liability Act (Adobe PDF File)