

SB 1173 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/11, 4/7, 4/8, 4/9

WHAT THE MEASURE DOES:

This measure establishes that a health care facility is not subject to a product liability civil action arising from a product provided to a patient so long as the facility did not manufacture or design the product

ISSUES DISCUSSED:

- Product liability for medical providers
- Duty of care and negligence claims
- Rationales to protect medical providers from product liability

EFFECT OF AMENDMENT:

-1 This amendment clarifies the scope of a physician's and health care facility's immunity from product liability. This amendment also extends product liability immunity to hospital-affiliated clinics, professional corporations formed to practice medicine or provide health care services, and residential care facilities.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

BACKGROUND:

ORS 30.900 generally allows an injured party to file a product liability action against a manufacturer, distributor, seller, or lessor of a product. ORS 30.902 creates an exception for medical doctors for products provided to patients as part of a medical procedure so long as the doctor did not manufacture or design the product.