

**SB 1173 A STAFF MEASURE SUMMARY****Carrier:** Sen. Prozanski**Senate Committee On Rules****Action Date:** 06/18/25**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 3-1-1-0**Yeas:** 3 - Bonham, Golden, Manning Jr**Nays:** 1 - Jama**Exc:** 1 - Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** Has minimal revenue impact**Prepared By:** Kris Kolta**Meeting Dates:** 6/11, 6/18**WHAT THE MEASURE DOES:**

The measure exempts a health care facility, a hospital-affiliated clinic, a professional corporation formed to practice medicine or provide health care services, and a residential care facility from a product liability civil claim arising from a product provided to a patient, so long as the facility or entity did not manufacture or design the product or offer it for sale to the public. The measure also clarifies that a physician is exempt from product liability in providing a product as part of "health care services" as opposed to "a medical procedure." The measure takes effect on the 91st day following adjournment sine die and applies to civil actions commenced on or after that date.

**ISSUES DISCUSSED:**

- Balancing individual and health care provider rights
- *Brown v. Glaxosmithkline, LLC*, 323 Or App 214 (2022)
- Other legal remedies and defendants for defective healthcare products
- Adverse consequences of strict product liability on hospitals and clinics
- Other states' laws regarding strict liability in health care setting
- Oregon law on strict product liability

**EFFECT OF AMENDMENT:**

The amendment clarifies that a health care facility may be subject to a civil action for a product provided to a patient if the facility also offers it for sale to the public. The amendment similarly conditions and extends the exemption from a product liability civil claim to a hospital-affiliated clinic, a professional corporation formed to practice medicine or provide health care services, and a residential care facility. The amendment also clarifies that a physician is exempt from product liability in providing a product as part of "health care services" as opposed to "a medical procedure."

**BACKGROUND:**

ORS 30.902 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.