

## A-Engrossed Senate Bill 1173

Ordered by the Senate June 20  
Including Senate Amendments dated June 20

Sponsored by COMMITTEE ON JUDICIARY

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: The Act says that some product liability claims may not be filed against some entities that provide products as part of health care. (Flesch Readability Score: 62.1).**

*[Digest: The Act says that some product liability claims may not be filed against a health care facility. (Flesch Readability Score: 60.1).]*

Provides that *[a health care facility is]* **certain entities providing a product as part of health care services** are not a manufacturer, distributor, seller or lessor of *[a]* **the** product for purposes of a product liability civil action if the *[health care facility]* **entity** was not involved in the design or manufacture of the product.

Takes effect on the 91st day following adjournment sine die.

### A BILL FOR AN ACT

Relating to product liability civil actions; creating new provisions; amending ORS 30.902; and prescribing an effective date.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 30.902 is amended to read:

30.902. **(1)** A physician licensed pursuant to ORS chapter 677 is not a manufacturer, distributor, seller or lessor of a product for the purposes of ORS 30.900 to 30.920 if:

**(a)** *[The product is provided by the physician]* **The physician provides the product** to a patient as part of *[a medical procedure]* **health care services**; and

**(b)** The physician was not involved in the design or manufacture of the product.

**(2)(a)** **Except as provided in paragraph (b) of this subsection, a health care facility as defined in ORS 442.015 or a hospital-affiliated clinic as defined in ORS 442.612 is not a manufacturer, distributor, seller or lessor of a product for the purposes of ORS 30.900 to 30.920 if:**

**(A)** **The health care facility or hospital-affiliated clinic provides the product to a patient as part of health care services; and**

**(B)** **The health care facility or hospital-affiliated clinic was not involved in the design or manufacture of the product.**

**(b)** **This subsection does not apply to a product that a health care facility or hospital-affiliated clinic offers to the general public in a retail setting.**

**(3)(a)** **Except as provided in paragraph (b) of this subsection, a professional corporation or entity organized for the purpose of practicing medicine pursuant to ORS chapter 677 or rendering professional health care services pursuant to ORS 677.505 to 677.525 or 678.375 to 678.390 is not a manufacturer, distributor, seller or lessor of a product for the purposes of**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **ORS 30.900 to 30.920 if:**

2 (A) The professional corporation or entity provides the product to a patient as part of  
3 health care services; and

4 (B) The professional corporation or entity was not involved in the design or manufacture  
5 of the product.

6 (b) This subsection does not apply to a product that a professional corporation or entity  
7 offers to the general public in a retail setting.

8 (4)(a) Except as provided in paragraph (b) of this subsection, a residential care facility  
9 licensed under ORS chapter 443, including a facility with a memory care endorsement under  
10 ORS 443.886 and an assisted living facility, is not a manufacturer, distributor, seller or lessor  
11 of a product for the purposes of ORS 30.900 to 30.920 if:

12 (A) The residential care facility provides the product to a patient as part of health care  
13 services; and

14 (B) The residential care facility was not involved in the design or manufacture of the  
15 product.

16 (b) This subsection does not apply to a product that a residential care facility offers to  
17 the general public in a retail setting.

18 **SECTION 2.** The amendments to ORS 30.902 by section 1 of this 2025 Act apply to actions  
19 commenced on or after the effective date of this 2025 Act.

20 **SECTION 3.** This 2025 Act takes effect on the 91st day after the date on which the 2025  
21 regular session of the Eighty-third Legislative Assembly adjourns sine die.  
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