

## SENATE AMENDMENTS TO SENATE BILL 1173

By COMMITTEE ON RULES

June 20

1 Delete lines 5 through 15 of the printed bill and insert:

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

3 “30.902. (1) A physician licensed pursuant to ORS chapter 677 is not a manufacturer, distributor,  
4 seller or lessor of a product for the purposes of ORS 30.900 to 30.920 if:

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

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

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

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

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

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

18 “(3)(a) **Except as provided in paragraph (b) of this subsection, a professional corporation**  
19 **or entity organized for the purpose of practicing medicine pursuant to ORS chapter 677 or**  
20 **rendering professional health care services pursuant to ORS 677.505 to 677.525 or 678.375 to**  
21 **678.390 is not a manufacturer, distributor, seller or lessor of a product for the purposes of**  
22 **ORS 30.900 to 30.920 if:**

23 “(A) **The professional corporation or entity provides the product to a patient as part of**  
24 **health care services; and**

25 “(B) **The professional corporation or entity was not involved in the design or manufac-**  
26 **ture of the product.**

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

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

33 “(A) **The residential care facility provides the product to a patient as part of health care**  
34 **services; and**

35 “(B) **The residential care facility was not involved in the design or manufacture of the**

1 **product.**

2 **“(b) This subsection does not apply to a product that a residential care facility offers to**  
3 **the general public in a retail setting.”.**

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