

Keep Liability for Drugs and Devices Used in Patient Care with Manufacturers, Not Hospitals

Please Support SB 1173 / HB 3324

Background

Oregon is currently the only state in the country where hospitals are subject to strict liability for the drugs or devices used in patient care. This is the combined result of Oregon's existing product liability statute, which creates strict liability for "one who sells" and is "engaged in the business of selling" an unreasonably dangerous product, and a recent Oregon Supreme Court Case that established that hospitals "sell" and are "in the business of selling" medications prescribed for patients.

Problem

This Supreme Court case substantially expanded the scope of liability for hospitals that administer, dispense, or otherwise provide drugs or devices to patients. The implications of the ruling are expansive. Patients can now sue hospitals for the administration or use of a drug or device without showing any degree of fault on the part of the physician or hospital.

The court's ruling shifts risks and costs that should be paid by the product manufacturers and distributors to hospitals, threatening the stability of Oregon's health care system.

Solution

SB 1173 would add a new section to Oregon's liability statute protecting a health care facility from strict liability. This addition to the statute is critical to protect health care facilities across the state from being held responsible for the actions of drug and device manufacturers and distributors.

SB 1173 will ensure liability for drugs and devices used in patient care lives with the manufacturers, not with hospitals, and will help prevent increased health care costs for Oregonians.

Please vote YES on SB 1173 / HB 3324



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