

MAINE STATE LEGISLATURE

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L.D. 1280

Date: 6/21/2017

(Filing No. S-297)

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STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 432,
L.D. 1280, Bill, "An Act Regarding Generic Drug Pricing"

Amend the amendment in section 5 in the first line (page 1, line 18 in amendment) by striking out the following: "§13800 is" and inserting the following: '§§13800 and 13800-A are'

Amend the amendment in section 5 by inserting after §13800 the following:

§13800-A. Liability for product of another; exemption

A manufacturer or wholesaler licensed under section 13758 is not liable for injuries alleged to have been caused by the failure to include adequate safety warnings on a product's label or by a defect in the product's design if:

1. Access to distributed drugs. The manufacturer or wholesaler has made the product distributed in this State available to an eligible product developer in accordance with section 13800; and

2. Manufactured or sold by another. The product was not manufactured or sold by that manufacturer or wholesaler.'

SUMMARY

The bill, as amended by Committee Amendment "A," requires that a drug distributed in this State be made available for sale to an eligible product developer by a manufacturer or wholesaler of drugs licensed in this State under the Maine Pharmacy Act. This amendment provides that a manufacturer or wholesaler is not liable for injuries alleged to have been caused by the failure to include adequate safety warnings on a product's label or by a defect in the product's design if that product was not manufactured or sold by that manufacturer or wholesaler.

SPONSORED BY:

(Senator JACKSON)

COUNTY: Aroostook

SENATE AMENDMENT