

**ASSEMBLY AMENDMENT 8,
TO 2003 ASSEMBLY BILL 845**

February 25, 2004 – Offered by Representative UNDERHEIM.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 21: delete the material beginning with that line and ending with
3 page 4, line 7, and substitute:

4 “(6) (a) Unless the manufacturer of a drug or supply exercises bad faith, the
5 manufacturer is not subject to criminal or civil liability for injury, death, or loss to
6 a person or property for matters related to the donation, acceptance, or dispensing
7 of a cancer drug or supply manufactured by the manufacturer that is donated by any
8 person under this section, including liability for failure to transfer or communicate
9 product or consumer information or the expiration date of the donated cancer drug
10 or supply.

11 (b) Except as provided in par. (c), any person, except the manufacturer of a drug
12 or supply, is immune from civil liability for injury to or the death of the individual
13 to whom the cancer drug or supply is dispensed and may not be found guilty of

1 unprofessional conduct for his or her acts or omissions related to donating, accepting,
2 distributing, or dispensing a cancer drug or supply under this section.

3 (c) The immunity or the prohibition on a finding of guilty of unprofessional
4 conduct under par. (a) does not extend to donation, acceptance, distribution, or
5 dispensation of a cancer drug by a person whose act or omission involves reckless,
6 wanton, or intentional misconduct.”.

7 (END)