

2003 DRAFTING REQUEST

Assembly Amendment (AA-AB845)

Received: **02/25/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - public health**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Underheim@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Drug manufacturer immunity

Instructions:

Same as a2399/1, except us term drug rather than cancer drug line 4 p. 1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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/?	dkennedy	LWLj 2/25					

FE Sent For:

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Now

D-NOTE

ASSEMBLY AMENDMENT,
TO 2003 ASSEMBLY BILL 845

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 ~~cancer~~ drug or supply exercises bad faith,
5 the manufacturer is not subject to criminal or civil liability for injury, death, or loss
6 to 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
12 ~~cancer~~ drug or supply, is immune from civil liability for injury to or the death of the
13 individual to whom the cancer drug or supply is dispensed and may not be found

1 guilty of unprofessional conduct for his or her acts or omissions related to donating,
2 accepting, 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)

D-NOTE

D-NOTE

A This amendment takes out "cancer"
= on both lines 4 and 12 of page 10

DAK

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2403/1dn
DAK:wlj:rs

February 25, 2004

This amendment takes out "cancer" on both lines 4 and 12 of page 1.

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