

HOUSE BILL No. 6064

September 16, 1992, Introduced by Rep. Profit and referred to the Committee on Judiciary.

A bill to provide limited immunity from civil liability for persons who donate drugs and other medical supplies to charitable organizations under certain circumstances.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "good samaritan drug and medical supply donation act".

3 Sec. 2. As used in this act:

4 (a) "Charitable organization" means a benevolent, education-
5 al, philanthropic, humane, patriotic, religious, or eleemosynary
6 organization of persons organized for any lawful purpose not
7 involving pecuniary profit or gain for its members or officers.

8 (b) "Device" means that term as defined in section 17703 of
9 the public health code, Act No. 368 of the Public Acts of 1978,
10 being section 333.17703 of the Michigan Compiled Laws.

1 (c) "Drug" means that term as defined in section 17703 of
2 Act No. 368 of the Public Acts of 1978.

3 (d) "Person" means an individual or a sole proprietorship,
4 corporation, partnership, or other legal or business entity.

5 Sec. 3. (1) Subject to subsection (2), a person who in good
6 faith donates a drug or device for use or distribution by a char-
7 itable organization is not liable for civil damages as a result
8 of an act or omission affecting the nature, age, condition, or
9 packaging of the drug or device, unless the act or omission is
10 the result of gross negligence or willful and wanton misconduct.

11 (2) If a drug or device donated as described in subsection
12 (1) does not meet all federal, state, and local requirements for
13 quality and labeling, the person donating the drug or device is
14 entitled to the limited immunity from liability granted under
15 subsection (1) if the person does all of the following:

16 (a) Notifies the charitable organization of the condition of
17 the drug or device.

18 (b) Notifies the charitable organization of the applicable
19 federal, state, and local quality and labeling standards for the
20 donated drug or device.

21 (c) Obtains from the charitable organization an agreement in
22 writing that the charitable organization will take the steps nec-
23 essary to comply with applicable federal, state, and local qual-
24 ity and labeling standards before distributing the donated drug
25 or device.