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.