

House Bill 887

By: Representatives Ehrhart of the 36th, Fleming of the 117th, Burmeister of the 119th, and Burkhalter of the 50th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to
2 general provisions for torts, so as to provide for limited liability for physicians and
3 pharmaceutical companies from claims for damages incurred pursuant to prescriptions filled
4 outside of the United States; to provide for an effective date and applicability; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
9 provisions for torts, is amended by adding at the end thereof a new Code section, to be
10 designated Code Section 51-1-51, to read as follows:

11 "51-1-51.

12 (a) Notwithstanding any other provision of law or rule of civil procedure, a physician
13 licensed under Chapter 34 of Title 43 or a pharmaceutical company shall not be subject to
14 civil liability in an action for damages caused by the plaintiff filling a prescription for a
15 drug approved by the federal Food and Drug Administration outside of the United States
16 unless the plaintiff pleads specific facts which, if proven, amount to negligence on the part
17 of such physician or pharmaceutical company.

18 (b) This Code section shall apply to any cause of action arising on or after July 1, 2005."

19 **SECTION 2.**

20 This Act shall become effective on July 1, 2005, and apply only to causes of action arising
21 on or after July 1, 2005. Any cause of action arising prior to that date shall continue to be
22 governed by the laws in effect at the time such cause of action arose.

23 **SECTION 3.**

24 All laws and parts of laws in conflict with this Act are repealed.