

5960-S

Sponsor(s): Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Thibaudeau, Kohl-Welles and Honeyford)

Brief Description: Revising prescription drug product liability.

**SB 5960-S - DIGEST**

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that it is the intent through this act to create an exception to the "learned intermediary doctrine" for prescription products advertised directly to consumers, and that the state supreme court holding in *Terhune v. A.H. Robins Co.*, and subsequent cases, to the extent that they are inconsistent with this intent, are no longer valid.

Declares that, where a consumer has sought a prescription product in response to an advertisement for that product, the manufacturer of that product, who would otherwise be subject to liability under chapter 7.72 RCW, is not relieved of that liability solely because the manufacturer warned the practitioner who prescribed the product of its proper use and attendant dangers.