

By: Representative Guice

To: Public Health and Human Services; Judiciary A

HOUSE BILL NO. 972

1 AN ACT TO PROVIDE THAT A COMMUNITY PHARMACY, AND THE LICENSED  
2 PHARMACISTS AND OTHER VOLUNTEERS WHO WORK IN THE PHARMACY, SHALL  
3 BE IMMUNE FROM LIABILITY FOR ANY CIVIL ACTION ARISING OUT OF  
4 PROVIDING CHARITABLE OR GRATUITOUS PHARMACEUTICAL PRODUCTS; AND  
5 FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) Any community pharmacy, any licensed  
8 pharmacist who voluntarily provides charitable medical services in  
9 a community pharmacy, any pharmaceutical provider, and any other  
10 person who serves as a volunteer in a community pharmacy, shall be  
11 immune from liability for any civil action arising out of any act  
12 or omission in preparing, bottling, or supplying pharmaceutical  
13 products in the course of providing charitable or gratuitous  
14 pharmaceutical products. This section shall not extend immunity  
15 to acts of gross negligence or willful or wanton misconduct.

16 (2) Any community pharmacy seeking immunity under this  
17 section shall post a notice, in a conspicuous place adjacent to  
18 the area where prescriptions are picked up by consumers, reading  
19 substantially as follows: "NOTICE: If you are harmed by  
20 medication that you receive here, you do not have the same legal  
21 recourse as you have against other pharmacies." Failure to post  
22 the notice negates the immunity from liability provided under this  
23 section. The notice shall be no less than eleven (11) by fourteen  
24 (14) inches in size, and the type used shall be no smaller than  
25 thirty-six (36) point and surrounded by a one-inch solid black  
26 border.

27 (3) For purposes of this section, the following terms shall  
28 have the meanings ascribed in this subsection:

29           (a) "Community pharmacy" means a nonprofit organization  
30 qualified or eligible for qualification as a tax-exempt  
31 organization under 26 USCS 501, which operates a pharmacy solely  
32 for charitable purposes and whose principal function is to supply  
33 gratuitous pharmaceutical products.

34           (b) "Pharmaceutical provider" means a pharmacy, person,  
35 corporation, facility, or institution which supplies  
36 pharmaceutical products that are prepared or bottled by  
37 pharmacists, and that may be handled by an employee, volunteer or  
38 agent of the provider acting in the scope and course of his  
39 service or employment.

40           **SECTION 2.** This act shall take effect and be in force from  
41 and after July 1, 2005.