

By: Representative Guice

To: Public Health and Human Services; Judiciary A

COMMITTEE SUBSTITUTE
FOR
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 faith-based community pharmacy or any
8 licensed pharmacist who voluntarily provides charitable services
9 in a community pharmacy, or any other person who serves as a
10 volunteer in a community pharmacy, shall be immune from liability
11 for any civil action arising out of supplying pharmaceutical
12 products in the course of providing such charitable or gratuitous
13 pharmaceutical products. This section shall not extend immunity
14 to acts of gross negligence or willful or wanton misconduct or to
15 the manufacturer or designer of products provided.

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, "community pharmacy" means
28 a nonprofit organization qualified or eligible for qualification

29 as a tax-exempt organization under 26 USCS 501, which operates a
30 pharmacy solely for charitable purposes and whose only function is
31 to supply gratuitous pharmaceutical products.

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