

By: Representative Guice

To: Public Health and Human
Services; Judiciary AHOUSE BILL NO. 972
(As Sent to Governor)

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

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

28 (3) For purposes of this section, "community pharmacy" means
29 a pharmacy operated solely for charitable purposes, whose only
30 function is to supply gratuitous pharmaceutical products, and
31 which is operated by a nonprofit organization qualified or
32 eligible for qualification as a tax-exempt organization under 26
33 USCS 501.

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