

5960

Sponsor(s): Senators Parlette, Thibaudeau, Kohl-Welles and Honeyford

Brief Description: Modifying prescription product liability.

**SB 5960 - DIGEST**

(SEE ALSO PROPOSED 1ST SUB)

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in *Terhune v. A.H. Robins Co.*, and subsequent cases, to the extent that they are inconsistent with this intent, are no longer valid.

Provides that the manufacturer of a prescription product that is advertised directly to consumers in this state, 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.