

ASSEMBLY BILL

No. 2690

Introduced by Assembly Member Krekorian

February 22, 2008

An act to add Section 1714.46 to the Civil Code, relating to product liability actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2690, as introduced, Krekorian. Product liability actions: prescription pharmaceutical products.

Existing law holds a manufacturer strictly liable in tort when an article it places on the market, knowing that it is to be used without inspection for defects, proves to have a defect that causes injury to a human being, subject to specified exceptions. Under existing law, that defect may be the failure of the manufacturer to provide an adequate warning. Under existing law, if a prescription drug manufacturer provides adequate warning of potential dangers of a drug to the physician, then the manufacturer has no duty to insure that the warning reaches the physician's patient for whom the drug is prescribed.

This bill would declare that manufacturers of prescription pharmaceutical products shall not be relieved of a duty to warn consumers of the risks and side effects solely because the product was prescribed to a patient by a physician.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1714.46 is added to the Civil Code, to
2 read:
3 1714.46. Manufacturers of prescription pharmaceutical products
4 shall not be relieved of a duty to warn consumers of the risks and
5 side effects solely because the product was prescribed to a patient
6 by a physician.

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