

ACT No. 355

2016 Regular Session

HOUSE BILL NO. 232

BY REPRESENTATIVE STOKES

1 AN ACT

2 To amend and reenact R.S. 40:1169.5, relative to limitation of liability for parties involved
3 in the care of certain terminally ill patients; to add limitation of liability provisions
4 to the Right To Try Act; to provide for construction of certain provisions of the Right
5 To Try Act relative to causes of action; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1169.5 is hereby amended and reenacted to read as follows:

8 §1169.5. Limitation of liability; no cause of action created

9 A. Notwithstanding any provision of law to the contrary, a physician who
10 prescribes an investigational drug, biological product, or device to an eligible patient
11 pursuant to the provisions of this Subpart shall be immune from civil liability,
12 including but not limited to any cause of action arising under R.S. 40:1231.1 et seq.,
13 for any adverse action, condition, or other outcome resulting from the patient's use
14 of the investigational drug, biological product, or device.

15 B. Nothing in this Section shall be construed as creating a cause of action by
16 or on behalf of any person against a manufacturer of an investigational drug,
17 biological product, or device, or against any person or entity involved in the care of
18 an eligible patient using the investigational drug, biological product, or device, for

1 any harm done to the eligible patient resulting from the investigational drug,
2 biological product, or device.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____