

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 542

DATE 6/1/11

S. B. No. _____

Amendment No. 4
(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Danylko

as amended by H542-AT6-89 [v.4], #2

1 moves to amend the bill on page 2, lines 47-51

2 () WHICH CHANGES THE TITLE

3 by rewriting those lines to read:

4 except as provided in subsection (b) or (c) of this section, in

5 "(a) ~~by~~ any product liability action against a

6 manufacturer or seller of a drug, if the drug

7 that is alleged to have caused the harm was

8 approved by for safety and efficacy by the United

9 States Food and Drug Administration, and the drug

10 and its labeling were in compliance with the

11 United States Food and Drug Administration's approval

12 at the time the drug left the control of

13 the manufacturer or seller, there is a rebuttable

14 presumption that the drug was safe and effective for

15 its approved use, and the manufacturer or seller

16 is not liable. This presumption may be rebutted only

17 by clear and convincing evidence."

18 **ADOPTED**

SIGNED [Signature]

ADOPTED 111-2 EV FAILED _____ TABLED _____