

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2354 Session of
1976

INTRODUCED BY DiCARLO AND LINCOLN, MAY 11, 1976

REFERRED TO COMMITTEE ON JUDICIARY, MAY 11, 1976

AN ACT

1 Amending the act of September 19, 1974 (P.L.644, No.210),
2 entitled "An act exempting physicians and nurses from certain
3 liability when participating in a mass immunization project
4 approved by the Pennsylvania Department of Health," extending
5 the provisions of the act to certain facilities, agencies and
6 clinics.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The title and sections 1 and 2, act of September
10 19, 1974 (P.L.644, No.210), entitled "An act exempting
11 physicians and nurses from certain liability when participating
12 in a mass immunization project approved by the Pennsylvania
13 Department of Health," are amended to read:

14 AN ACT

15 Exempting physicians and nurses, and all medical and health
16 facilities, agencies and clinics from certain liability when
17 participating in a mass immunization project approved by the
18 Pennsylvania Department of Health.

19 Section 1. Whenever the Secretary of Health, or a physician
20 duly licensed in the Commonwealth designated by him, shall

1 approve, in writing, a mass immunization project to be
2 administered in any part of the Commonwealth in cooperation with
3 an official [or voluntary] medical or health agency, any
4 physician who does not receive remuneration for his services in
5 the project, and any registered nurse, or licensed practical
6 nurse who shall participate in such project and who shall be
7 licensed to practice in the Commonwealth of Pennsylvania and any
8 medical or health facility, agency or clinic shall not be liable
9 to any person for illness, reaction, or adverse effect arising
10 from or out of the use of any drug or vaccine in such project by
11 such physician or such nurse. Neither the Secretary of Health
12 nor his designate shall approve any such project unless he finds
13 that the project conforms to good medical and public health
14 practice.

15 Section 2. Nothing in this act shall exempt from liability
16 for gross negligence any physician or registered nurse or
17 licensed practical nurse or any medical or health facility,
18 agency, or clinic participating in any mass immunization project
19 nor shall the provisions of this act exempt any drug
20 manufacturer from any liability for any drug or vaccine used in
21 such project.

22 Section 2. This act shall take effect immediately.