

194A.456 Immunity from civil liability -- Exceptions.

- (1) Unless the manufacturer of a legend drug or supply needed to administer a legend drug exercises bad faith or fails to exercise ordinary care, the manufacturer of a legend drug or supply shall not be subject to criminal or civil liability for injury, death, or loss to a person or property for matters related to the donation, acceptance, or dispensing of the drug or supply under the legend drug repository created under KRS 194A.452, including liability for failure to transfer or communicate product or consumer information or the expiration date of the donated drug or supply.
- (2) Health facilities, pharmacies, and health care providers shall be immune from civil liability for injury to or the death of an individual to whom a legend drug or supply is dispensed and shall not be subject to disciplinary action for unprofessional conduct for their acts or omissions related to donating, accepting, distributing, or dispensing a legend drug or supply under KRS 194A.450 to 194A.458, unless the act or omission involves reckless, wanton, or intentional misconduct or the act or omission results from failure to exercise ordinary care.

Effective: June 20, 2005

History: Created 2005 Ky. Acts ch. 136, sec. 4, effective June 20, 2005.