

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray relative to authorizing the donation of certain medicine without liability. Health Care.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT AUTHORIZING THE DONATION OF CERTAIN MEDICINE WITHOUT LIABILITY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 111 of the General Laws is hereby amended by  
2 inserting after section 72Y the following section:—  
3 Section 72X. No facility licensed under the provisions of  
4 section seventy-one that donates unused medicines to a nonprofit  
5 corporation for distribution or application by such nonprofit cor-  
6 poration without charge or at a charge sufficient only to cover the  
7 cost of handling such medicines shall be liable for civil damages  
8 for any injury arising out of the condition of such medicine: pro-  
9 vided, however, that at the time of such donation such medicine is  
10 not misbranded and is not adulterated and has not been manufac-  
11 tured, processed, prepaid, handled or stored in violation of applic-  
12 able regulations of the department of public health and provided,  
13 further, that such injury is not the result of gross negligence, reck-  
14 lessness or intentional misconduct of the donor or any person  
15 employed or under the care of the donor. The department of public  
16 health shall adopt rules and regulation to carry out the purposes of  
17 this section.

