

House Bill 2448

Sponsored by Representatives P SMITH, JENSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides statute of limitations for injury or death resulting from use of medication that is intended to inhibit enzyme known as cyclooxygenase-2.

A BILL FOR AN ACT

1
2 Relating to medications that are intended to inhibit the enzyme known as cyclooxygenase-2.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section, "COX-2 inhibitor" means a medication that is**
5 **intended to inhibit the enzyme known as cyclooxygenase-2.**

6 **(2) A civil action for injury, including any product liability action under ORS 30.900 to**
7 **30.920 and any action based on negligence, resulting from the use of a COX-2 inhibitor must**
8 **be commenced not later than four years after the date on which the plaintiff first discovered,**
9 **or in the exercise of reasonable care should have discovered, the injury and the causal re-**
10 **lationship between the injury and the product, or the causal relationship between the injury**
11 **and the conduct of the defendant.**

12 **(3) A civil action for death, including any product liability action under ORS 30.900 to**
13 **30.920 and any action based on negligence, resulting from the use of a COX-2 inhibitor must**
14 **be commenced not later than six years after the date on which the plaintiff first discovered,**
15 **or in the exercise of reasonable care should have discovered, the causal relationship between**
16 **the death and the product, or the causal relationship between the death and the conduct of**
17 **the defendant.**

18 **(4) A civil action for injury or death resulting from the use of a COX-2 inhibitor is not**
19 **subject to ORS 12.115, 30.020 or 30.905 (1) or any other statute of repose in Oregon Revised**
20 **Statutes.**

21 **SECTION 2. (1) Except as provided in subsection (2) of this section, section 1 of this 2007**
22 **Act applies to causes of action arising before, on or after the effective date of this 2007 Act.**

23 **(2) Section 1 of this 2007 Act does not apply to any causes of action for which a judgment**
24 **was entered in the register of a court before the effective date of this 2007 Act.**
25

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.