

House Bill 3207

Sponsored by Representative GREENLICK (at the request of Don Austin)

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**.

Requires Department of Consumer and Business Services to establish protocols for post-sale monitoring of products by manufacturers for purpose of identifying defects and dangers associated with products.

Provides that punitive damages may not be awarded against manufacturer in product liability civil action if manufacturer establishes that manufacturer has complied with protocols.

A BILL FOR AN ACT

1
2 Relating to post-sale monitoring of products.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 30.900 to 30.920.**

5 **SECTION 2. (1) The Department of Consumer and Business Services by rule shall estab-**
6 **lish protocols for post-sale monitoring of products by a manufacturer for the purpose of**
7 **identifying defects and dangers associated with products produced by the manufacturer. For**
8 **the purpose of establishing the protocols, the department shall appoint one or more advisory**
9 **committees with expertise in state-of-the-art, evidence-based monitoring methods designed**
10 **to identify death, injury or disease caused by the use of products.**

11 **(2) Protocols established under this section shall provide for:**

12 **(a) Monitoring of individual customers who have purchased a product of the manufac-**
13 **turer for the purpose of identifying incidents in which the product has caused death, injury**
14 **or disease; and**

15 **(b) Monitoring of populations for the purpose of identifying correlations between the in-**
16 **cidence of death, injury or disease and the distribution and use of products produced by a**
17 **manufacturer.**

18 **(3) In any product liability civil action against a manufacturer, punitive damages may not**
19 **be awarded to the plaintiff if the manufacturer establishes that the manufacturer has com-**
20 **plied with the protocols established under this section.**

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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.