

A-Engrossed
Senate Bill 1011

Ordered by the Senate May 16
Including Senate Amendments dated May 16

Sponsored by COMMITTEE ON RULES

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.

Provides statute of limitations for injury or death resulting from use of medication that is intended to inhibit enzyme known as cyclooxygenase-2. **Provides that no product liability action relating to inhibitor may be brought after specified time.**

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 two 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 three years after the date on which the plaintiff first discov-**
15 **ered, or in the exercise of reasonable care should have discovered, the causal relationship**
16 **between the death and the product, or the causal relationship between the death and the**
17 **conduct of the defendant.**

18 **(4) Notwithstanding ORS 30.905, a product liability action for an injury or death resulting**
19 **from the use of a COX-2 inhibitor may not be brought more than eight years after the date**
20 **on which the COX-2 inhibitor was first purchased for use or consumption.**

21 **SECTION 2. (1) Except as provided in subsection (2) of this section, section 1 of this 2005**
22 **Act applies to causes of action arising before, on or after the effective date of this 2005 Act.**

23 **(2) Section 1 of this 2005 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 2005 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.