

No. 187

AN ACT

HB 2354

Amending the act of September 19, 1974 (P.L.644, No.210), entitled "An act exempting physicians and nurses from certain liability when participating in a mass immunization project approved by the Pennsylvania Department of Health," extending the provisions of the act to certain societies, facilities, agencies and clinics.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title and sections 1 and 2, act of September 19, 1974 (P.L.644, No.210), entitled "An act exempting physicians and nurses from certain liability when participating in a mass immunization project approved by the Pennsylvania Department of Health," are amended to read:

AN ACT

Exempting physicians and nurses, *and all State, county or local medical societies, medical and health facilities, agencies and clinics as approved by the Department of Health* from certain liability when participating in a mass immunization project approved by the Pennsylvania Department of Health.

Section 1. Whenever the Secretary of Health, or a physician duly licensed in the Commonwealth designated by him, shall approve, in writing, a mass immunization project to be administered in any part of the Commonwealth in cooperation with an official [**or voluntary**] medical or health agency, any physician who does not receive remuneration for his services in the project, and any registered nurse, or licensed practical nurse who shall participate in such project and who shall be licensed to practice in the Commonwealth of Pennsylvania *and any State, county or local medical societies, medical or health facility, agency or clinic as approved by the Department of Health* shall not be liable to any person for illness, reaction, or adverse effect arising from or out of the use of any drug or vaccine in such project by such physician or such nurse. Neither the Secretary of Health nor his designate shall approve any such project unless he finds that the project conforms to good medical and public health practice.

Section 2. Nothing in this act shall exempt from liability for gross negligence any physician or registered nurse or licensed practical nurse *or any State, county or local medical societies, medical or health facility, agency, or clinic* participating in any mass immunization project nor shall the provisions of this act exempt any drug manufacturer from any liability for any drug or vaccine used in such project.

Section 2. This act shall take effect immediately.

APPROVED—The 9th day of July, A. D. 1976.

MILTON J. SHAPP