WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2011

ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 474
(SENATORS KESSLER (ACTING PRESIDENT), PREZIOSO, BEACH, WILLIAMS, EDDGELL, PALUMBO, PLYMALE, WILLS, D. FACESMIRE, KLEMPA AND YOST, ORIGINAL SPONSORS)

[PASSED MARCH 12, 2011; TO TAKE EFFECT JULY 1, 2011.]
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-8-16, relating to choice of law products' liability claims that are based upon prescription drug manufacturer's alleged failure to warn.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §55-8-16, to read as follows:

ARTICLE 8. ACTIONS ON CONTRACTS.


(a) It is public policy of this state that, in determining the law applicable to a product liability claim brought by a
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3 nonresident of this state against the manufacturer or distrib-
4 utor of a prescription drug for failure to warn, the duty to
5 warn shall be governed solely by the product liability law of
6 the place of injury ("lex loci delicti")

7 (b) This section shall be applicable prospectively to all civil
8 actions commenced on or after July 1, 2011.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect July 1, 2011.

Clerk of the Senate

Clerk of the House of Delegates

Acting President of the Senate

Speaker of the House of Delegates

The within approved this the Day of, 2011.

Governor
APPOINTED TO THE GOVERNOR:

WARD OF QUIII

Time 10:10 AM