

SENATE BILL NO. 75—SENATOR SEGERBLOM

PREFILED JANUARY 31, 2013

Referred to Committee on Judiciary

SUMMARY—Establishes a cause of action for persons who become addicted to a prescription drug. (BDR 3-98)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to civil actions; establishing a cause of action for persons who become addicted to a prescription drug; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Common law generally provides that a person may commence a civil action
2 under various theories of liability, including fraud, negligence and products
3 liability, when he or she suffers damages from a product. (*Dow Chem. Co. v.*
4 *Mahlum*, 114 Nev. 1468 (1998)) This bill provides that a person who suffers
5 injuries as a result of an addiction to a prescription drug may bring a civil action
6 against: (1) the manufacturer of the prescription drug; and (2) the provider of
7 medical care who prescribed the prescription drug, if the provider of medical care
8 knew or should have known of the person's addiction to the prescription drug.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 41 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. Notwithstanding any other provision of law, a person who***
4 ***suffers injuries as a result of an addiction to a prescription drug***
5 ***may bring and maintain an action for damages against:***

6 ***(a) The manufacturer of the prescription drug.***

7 ***(b) The provider of medical care who prescribed the***
8 ***prescription drug, if the provider of medical care knew or should***
9 ***have known of the person's addiction to the prescription drug.***



1 2. *A person who prevails in an action brought pursuant to*
2 *this section may recover his or her actual damages, including,*
3 *without limitation, any costs associated with rehabilitation for the*
4 *addiction, attorney's fees and costs and any punitive damages that*
5 *the facts may warrant.*

6 3. *As used in this section:*

7 (a) *"Prescription drug" has the meaning ascribed to it in*
8 *NRS 453.3628.*

9 (b) *"Provider of medical care" means a physician, dentist or*
10 *any other person licensed to lawfully prescribe a prescription*
11 *drug.*

