

112TH CONGRESS
1ST SESSION

H. R. 542

To eliminate the learned intermediary defense to tort claims based on product liability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2011

Mr. FILNER introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To eliminate the learned intermediary defense to tort claims
based on product liability, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Protection
5 Act of 2011”.

6 **SEC. 2. LEARNED INTERMEDIARY DEFENSE.**

7 (a) IN GENERAL.—It shall not be a defense to any
8 tort claim in any court in the United States that a manu-
9 facture of a product has fulfilled that manufacturer’s duty
10 of care when the manufacturer provides all of the nec-

1 essary information to a learned intermediary who then
2 interacts with the consumer of the product.

3 (b) DEFINITION.—In this section—

4 (1) the term “learned intermediary” means a
5 person, licenced under applicable State or Federal
6 law, to advise a consumer whether or not to use the
7 product in question; and

8 (2) the term “State” includes the District of
9 Columbia, Puerto Rico, and any other common-
10 wealth, possession, or territory of the United States.

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