

# H. B. 2726

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(BY DELEGATE(S) SHOTT, FOLK, OVERINGTON,  
SPONAUGLE, AZINGER, DEEM AND WAXMAN)

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[Introduced February 13, 2015; referred to the  
Committee on the Judiciary.]

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A BILL to amend and reenact §55-8-16 of the Code of West Virginia, 1931, as amended, relating to choice of law in product liability actions.

*Be it enacted by the Legislature of West Virginia:*

That §55-8-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. ACTIONS ON CONTRACTS.**

**§55-8-16. Choice of law in ~~pharmaceutical~~ product liability actions.**

- 1 (a) It is public policy of this state that, in determining the
- 2 law applicable to a product liability claim brought by a

3 nonresident of this state against the manufacturer or distributor  
4 of a prescription drug ~~for failure to warn, the duty to warn or~~  
5 other product, all liability claims at issue shall be governed  
6 solely by the product liability law of the place of injury (“lex loci  
7 delicti”).

8 (b) This section shall be applicable prospectively to all civil  
9 actions commenced on or after July 1, ~~2011~~ 2015.

NOTE: The purpose of this bill is to clarify choice of laws issues in product’s liability actions.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.



