WEST virginia legislature

2025 regular session

Introduced

House Bill 2430

By Delegates Anders, White, Kimble, Dillon, Dean, and Bridges

[Introduced February 17, 2025; referred to the Committee on the Judiciary]

A BILL to amend and reenact §55-7-30 of the Code of West Virginia, 1931, as amended, relating to creating civil liability for pharmaceutical companies for damages resulting from the Covid-19 vaccination.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. Actions for injuries.

§55-7-30. Adequate pharmaceutical warnings; limiting civil liability for manufacturers or sellers who provide warning to a learned intermediary.

(a) A manufacturer or seller of a prescription drug or medical device may not be held liable in a product liability action for a claim based upon inadequate warning or instruction unless the claimant proves, among other elements, that:

(1) The manufacturer or seller of a prescription drug or medical device acted unreasonably in failing to provide reasonable instructions or warnings regarding foreseeable risks of harm to prescribing or other health care providers who are in a position to reduce the risks of harm in accordance with the instructions or warnings; and

(2) Failure to provide reasonable instructions or warnings was a proximate cause of harm.

(b) It is the intention of the Legislature in enacting this section to adopt and allow the development of a learned intermediary doctrine as a defense in cases based upon claims of inadequate warning or instruction for prescription drugs or medical devices.

(c) An exception exists that shall create civil liability for pharmaceutical companies in West Virginia state courts for damages resulting from the Covid-19 vaccines. West Virginia citizens shall be allowed to sue for damages resulting from these vaccines with no limits on financial awards.

NOTE: The purpose of this bill is to allow for pharmaceutical companies to be held liable for injuries resulting from the Covid-19 vaccine.

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