

## 2004 SESSION

INTRODUCED

040541348

### HOUSE BILL NO. 1372

Offered January 22, 2004

*A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 8.01 a section numbered 8.01-44.6, relating to product liability; products containing patent hazards.*

Patrons—Janis, Albo, Athey, Bell, Black, Bryant, Cline, Cole, Cosgrove, Cox, Fralin, Frederick, Gear, Griffith, Hamilton, Hogan, Hugo, Jones, S.C., Kilgore, Landes, Lingamfelter, Marrs, May, McDonnell, McDougale, O'Bannon, Parrish, Reid, Saxman, Ware, R.L., Weatherholtz and Wright

Referred to Committee for Courts of Justice

#### **Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 3 of Chapter 3 of Title 8.01 a section numbered 8.01-44.6 as follows:**

*§ 8.01-44.6. Product liability; products containing patent hazards.*

*A. In a product liability action, a manufacturer or seller shall not be liable where the claim arises from an injury to a voluntary user of the product that is directly caused by the patent hazards of the product if the product is known to be hazardous by the ordinary consumer who consumes or uses the product with the ordinary knowledge common to the community.*

*B. For purposes of this section:*

*1. Products containing patent hazards shall include but are not limited to: (i) a food product made with sugar, butter, or a hydrogenated oil or trans-fat, (ii) an alcoholic beverage, (iii) tobacco, or (iv) a firearm; and*

*2. The term "product liability action" means any action for injury or death caused by a product except that the term does not include an action based on a manufacturing defect or breach of an express warranty.*

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HB1372