

ADMINISTRATION FOR THE PURPOSE FOR WHICH THE DRUG OR VACCINE IS ADMINISTERED.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IF THE SECRETARY OR A DESIGNEE OF THE SECRETARY FINDS THAT A PROPOSED IMMUNIZATION PROJECT WOULD CONFORM TO GOOD MEDICAL AND PUBLIC HEALTH PRACTICE AND GIVES WRITTEN APPROVAL FOR THE PROJECT TO BE ADMINISTERED IN THE STATE, A PHYSICIAN, NURSE, OR OTHER PERSON PARTICIPATING IN THE PROJECT IS NOT LIABLE FOR ANY ADVERSE EFFECT THAT ARISES FROM THE USE OF A DRUG OR VACCINE IN THE PROJECT.

(D) THIS SECTION DOES NOT EXEMPT:

- (1) A PERSON FROM LIABILITY FOR GROSS NEGLIGENCE;
- (2) A DRUG MANUFACTURER FROM THE DUTY TO USE ORDINARY CARE IN PREPARING AND HANDLING A DRUG OR VACCINE; OR
- (3) A PERSON FROM LIABILITY THAT ARISES OUT OF THE IMPROPER OR ILLEGAL ADMINISTRATION OF A DRUG OR VACCINE.

~~§-374.~~ 5-373.

A LEGALLY AUTHORIZED PERSON WHO OBTAINS, PROCESSES, STORES, DISTRIBUTES, OR USES WHOLE HUMAN BLOOD, TISSUE, ORGANS, OR BONES OR ANY SUBSTANCE DERIVED FROM HUMAN BLOOD, TISSUE, ORGANS, OR BONES FOR INJECTION, TRANSFUSION, OR TRANSPLANTATION INTO AN INDIVIDUAL FOR ANY PURPOSE IS PERFORMING A SERVICE AND IS NOT SUBJECTED TO:

- (1) STRICT LIABILITY IN TORT;
- (2) THE IMPLIED WARRANTY OF MERCHANTABILITY; OR
- (3) THE IMPLIED WARRANTY OF FITNESS.

~~§-375.~~ 5-374.

(A) A PERSON WHO ACTS IN GOOD FAITH IS NOT CIVILLY LIABLE FOR:

- (1) MAKING A REPORT UNDER § 19-347 OF THE HEALTH - GENERAL ARTICLE;
- (2) PARTICIPATING IN AN INVESTIGATION ARISING OUT OF A REPORT UNDER § 19-347 OF THE HEALTH - GENERAL ARTICLE;
- (3) PARTICIPATING IN A JUDICIAL PROCEEDING ARISING OUT OF A REPORT UNDER § 19-347 OF THE HEALTH - GENERAL ARTICLE; OR
- (4) PARTICIPATING IN TRANSFERRING, SUSPENDING, OR