

H. B. 2726

(By Delegate Shott, Folk, Overington, Sobonya, Azinger, Deem and Waxman)
[Introduced February 13, 2015; referred to the
Committee on the Judiciary.]

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.

(a) It is public policy of this state that, in determining the law applicable to a product liability
claim brought by a nonresident of this state against the manufacturer or distributor of a prescription
drug ~~for failure to warn, the duty to warn~~ or other product, all liability claims at issue shall be
governed solely by the product liability law of the place of injury ("lex loci delicti").

(b) This section shall be applicable prospectively to all civil 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.