

135M.5 Exemption from disciplinary action, civil liability, and criminal prosecution.

1. A drug manufacturer acting reasonably and in good faith, is not subject to criminal prosecution or civil liability for injury, death, or loss to a person or property for matters related to the donation, acceptance, or dispensing of a prescription drug manufactured by the drug manufacturer that is donated under [this chapter](#), including liability for failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug.

2. Except as provided in [subsection 3](#), a person including the department or the department's employees, agents, or volunteers, but not a drug manufacturer subject to [subsection 1](#), acting reasonably and in good faith, is immune from civil liability and criminal prosecution for injury to or the death of an individual to whom a donated prescription drug is dispensed under [this chapter](#) and shall be exempt from disciplinary action related to the person's acts or omissions related to the donation, acceptance, distribution, or dispensing of a donated prescription drug under [this chapter](#).

3. The immunity and exemption provided in [subsection 2](#) do not extend to any of the following:

a. The donation, acceptance, distribution, or dispensing of a donated prescription drug under [this chapter](#) by a person if the person's acts or omissions are not performed reasonably and in good faith.

b. To acts or omissions outside the scope of the program.

[2005 Acts, ch 97, §5](#); [2009 Acts, ch 127, §4](#)