

LBD13114-03-4

1 MITIGATION, TREATMENT OR PREVENTION OF ANY DISEASE, CONDITION OR INJURY
2 IN HUMANS.

3 4. "INITIAL SELLER" MEANS THE SELLER WHO MANUFACTURED, MODIFIED,
4 REBUILT, IMPROVED OR RECONDITIONED A MEDICAL DEVICE.

5 S 646. EXPRESS WARRANTY REQUIRED. 1. EVERY INITIAL SELLER OF A MEDICAL
6 DEVICE, OTHER THAN AN ELECTRONIC MEDICAL DEVICE, SHALL PROVIDE EACH
7 CONSUMER OF SUCH DEVICE WITH A WARRANTY THAT THE MEDICAL DEVICE IS FIT
8 FOR THE ORDINARY PURPOSES FOR WHICH SUCH DEVICE IS USED, AND IS FREE
9 FROM DEFECTS FOR A PERIOD OF TEN YEARS AFTER THE MEDICAL DEVICE IS FIRST
10 USED BY, ATTACHED TO OR APPLIED TO THE CONSUMER.

11 2. EVERY INITIAL SELLER OF AN ELECTRONIC MEDICAL DEVICE SHALL PROVIDE
12 EACH CONSUMER OF SUCH DEVICE WITH A WARRANTY THAT THE ELECTRONIC MEDICAL
13 DEVICE IS FIT FOR THE ORDINARY PURPOSES FOR WHICH SUCH DEVICE IS USED,
14 AND IS FREE FROM DEFECTS FOR A PERIOD OF SEVEN YEARS AFTER THE ELECTRON-
15 IC MEDICAL DEVICE IS FIRST USED BY, ATTACHED TO OR APPLIED TO THE
16 CONSUMER.

17 3. IF A MEDICAL DEVICE FAILS TO CONFORM TO THE WARRANTY REQUIRED BY
18 SUBDIVISION ONE OR TWO OF THIS SECTION, AND THE CONSUMER, OR HIS OR HER
19 AUTHORIZED REPRESENTATIVE REPORTS SUCH NONCONFORMITY OR DEFECT TO THE
20 INITIAL SELLER OR ITS AGENTS DURING THE TERM OF THE WARRANTY, THE
21 INITIAL SELLER SHALL BE LIABLE FOR ALL COSTS INCURRED BY THE CONSUMER OR
22 HIS OR HER INSURER TO MAKE SUCH REPAIRS AND REPLACEMENTS AS ARE NECES-
23 SARY TO CORRECT SUCH CONFORMITY OR DEFECT, AND ANY ADDITIONAL MEDICAL
24 AND REHABILITATION CARE NECESSARY AFTER SUCH REPAIR OR REPLACEMENT.

25 S 647. ADDITIONAL REMEDIES OF CONSUMERS. NOTHING IN THIS ARTICLE SHALL
26 IN ANY WAY LIMIT THE RIGHTS, REMEDIES OR PRIVILEGES WHICH ARE OTHERWISE
27 AVAILABLE TO A CONSUMER AT LAW OR EQUITY.

28 S 648. PROHIBITION AGAINST WAIVER OF RIGHTS. WAIVER OF ANY RIGHTS BY
29 THE CONSUMER UNDER THIS ARTICLE SHALL BE DEEMED CONTRARY TO PUBLIC POLI-
30 CY AND SHALL BE UNENFORCEABLE AND VOID.

31 S 3. This act shall take effect on the first of January next succeed-
32 ing the date on which it shall have become a law, and shall apply to
33 medical devices initially used by, attached to or applied to a person on
34 or after such date.