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WASHINGTON, D.C. 20016
September 13, 1973

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This letter was sent to NEISS HOSPITAL ADMINISTRATORS

Mr. Joseph Novick, Administrator
Bronx-Lebanon Hospital Center
Fulton Avenue & 169th Street
Bronx, New York 10456

Dear Mr. Novick:

Concern has been expressed by some hospitals participating in the National Electronic Injury Surveillance System (NEISS) regarding their susceptibility to civil liability for divulging information to the Commission on product-related injuries treated at their hospitals.

Section 27(d) of the Consumer Product Safety Act, 15 U.S.C. 2076(d), Public Law 92-573 states:

> "No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission."

It is our view that a hospital such as yours, which is participating in the NEISS, falls within the meaning of "person" as used in Section 27 of the Act, above.

Section 1 of Title 1 of the United States Code states in relevant part:

> "In determining the meaning of any Act or resolution of Congress, ... the word person may extend and be applied to partnership and corporations, ... unless the context shows that such words were intended to be used in a more limited sense...."

Since most, if not all, NEISS hospitals are incorporated, they fall within the provision cited above. Furthermore, it is our view that, even if a NEISS hospital is not a partnership or a corporation, it may still be included in the meaning of the word "person" as used in Section 27.

We believe that Congress did not intend to use "person" in a narrow sense, but rather, meant for it to be given a broad construction. We base this belief on the fact that the word "person" as used in Section 27 includes both Commission

and the United States in its meaning: "No person shall be subject to civil liability to any person (other than the Commission or the United States)...." (Emphasis added.) Both the Commission and the United States are referred to as "any person." It is thus clear that Congress did not intend to use the word "person" in a narrow sense.

Additionally, it is significant to note that the legislative history of the Consumer Product Safety Act reveals that Section 27(d) was added at the request of hospitals and insurance companies. It is logical to conclude that they had the question of their liability in mind when they requested the adoption of this section.

Based on the foregoing discussion, we conclude that hospitals disclosing information to the Commission on product-related injuries are not subject to civil liability to any person other than the Commission or the United States for disclosing this information to the Commission.

For your information and perusal, we are enclosing a copy of a summary of the Consumer Product Safety Act. If you should have any further questions regarding this matter, please contact this office at your convenience.

Sincerely,

Michael A. Brown

Michael Brown
Acting General Counsel

Enclosure