



2024 POSITION PAPER SB 1031

CIVIL ACTIONS - LEAD POISONING - LIABILITY AND STATUTE OF LIMITATIONS FAVORABLE

The Maryland Association for Justice (MAJ) is an association of lawyers who represent individuals and families harmed by negligent or wrongful conduct. MAJ's Mission seeks to defend and improve the civil justice system in Maryland, so that individuals may hold negligent actors and wrongdoers accountable.

Senate Bill 1031 would permit an action for compensatory and noneconomic damages for injuries due to lead poisoning caused by lead-based hazards on property to be filed at any time, without reference to any time limitations under a statute of limitations or any other law.

Lead poisoning due to exposure to lead-based hazards causes the death of brain cells, which in turn can result in permanent brain injury, cognitive deficits, learning differences, loss of earning capacity, and other injuries. Tragically, the victims of lead poisoning frequently were exposed to lead-based hazards as babies or small children. Victims of lead poisoning are less likely to graduate high school, and more likely to become involved in the juvenile and criminal justice systems. Importantly, injuries due to lead poisoning often remain undiscovered until well into adulthood, even in cases when it is known that exposure to lead occurred in early childhood.

The statute of limitations in Maryland applicable to lead poisoning claims, with few exceptions, requires the victim of lead poisoning to assert their claims in court within three (3) years after the date when their claim accrued. For a person injured as a minor child, the three (3) year time period would start on the person's 18th birthday. If a person injured by lead poisoning waits too long, their claims may be dismissed under the statute of limitations, no matter how meritorious the claims may have been.

Senate Bill 1031 would allow individuals injured by lead poisoning to bring legal claims in court even beyond the three-year limitations period. SB 1031 would allow those persons who were poisoned and injured by lead-based hazards to seek justice and compensation for their irreversible injuries, including injuries suffered as children.

Innocent children poisoned and injured by lead-based hazards should be allowed access to justice.

The Maryland Association for Justice requests a FAVORABLE report on SB 1031.

About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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