Unofficial Copy D3 1998 Regular Session 8lr1410 CF 8lr1694

By: Chairman, Judiciary Committee (Office of the Attorney General) and Delegates Taylor, Barve, Busch, Cadden, Campbell, Conroy, Curran, Dypski, Frank, Frush, Gordon, Harrison, Healey, Hecht, Hixson, Hubbard, Kagan, Kopp, Mandel, Marriott, McIntosh, Menes, Mohorovic, Montague, Morhaim, Nathan-Pulliam, Pendergrass, Petzold, Pitkin, Preis, Rawlings, Rosenberg, Shriver, Workman, Dembrow, and Finifter

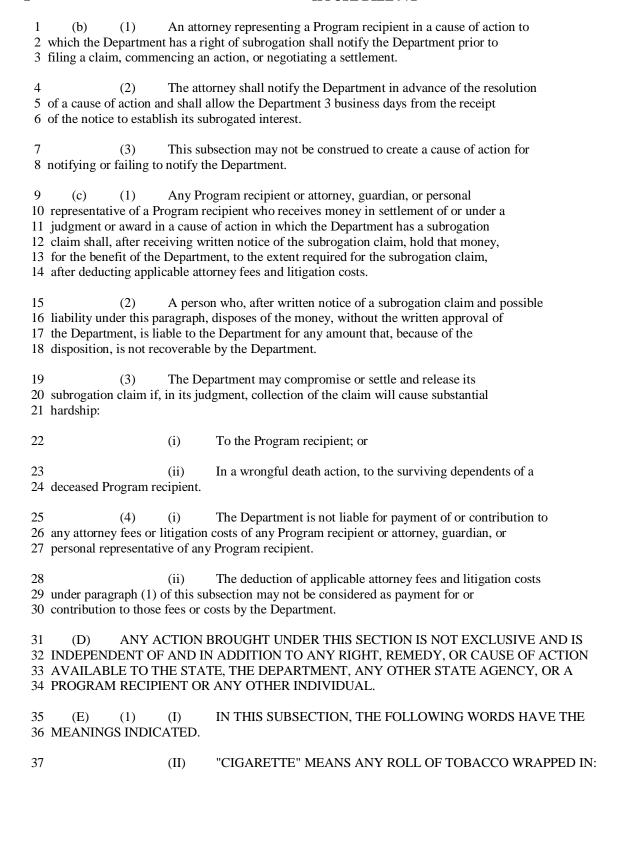
Introduced and read first time: February 13, 1998

Assigned to: Judiciary

A BILL ENTITLED

1	ΑN	ACT	concerning
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- 3 FOR the purpose of clarifying that the Department of Health and Mental Hygiene's
- 4 right of subrogation for payments relating to medical assistance recipients is not
- 5 an exclusive right, remedy, or cause of action; providing that in any action
- 6 brought by the State against a manufacturer of a tobacco product the causation
- and the amount of medical assistance expenditures may be proven by the use of
- 8 statistical analysis; defining certain terms; making the provisions of this Act
- 9 severable; providing for the application of this Act; providing for the effective
- date of this Act; and generally relating to certain rights, remedies, and causes of
- action brought by the State to recover certain expenses.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Health General
- 14 Section 15-120
- 15 Annotated Code of Maryland
- 16 (1994 Replacement Volume and 1997 Supplement)
- 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 18 MARYLAND, That the Laws of Maryland read as follows:
- 19 Article Health General
- 20 15-120.
- 21 (a) If a Program recipient has a cause of action against a person, the
- 22 Department shall be subrogated to that cause of action to the extent of any payments
- 23 made by the Department on behalf of the Program recipient that result from the
- 24 occurrence that gave rise to the cause of action.



,			HOUSE BILL 7/2
1		1.	PAPER;
2		2.	A SUBSTANCE NOT CONTAINING TOBACCO; OR
5		TYPE O	A SUBSTANCE CONTAINING TOBACCO WHICH BECAUSE F TOBACCO USED IN THE FILLER, OR ITS KELY TO BE USED BY THE CONSUMERS OF ARETTES.
	(III) DESIGNER, PRODUCER, OF MARKETING OR PROMOTI	R PROCE	"MANUFACTURER OF A TOBACCO PRODUCT" MEANS A SSOR OF A TOBACCO PRODUCT ENGAGED IN THE TOBACCO PRODUCT.
12		A MANU	"MANUFACTURER OF A TOBACCO PRODUCT" INCLUDES AN JFACTURER OF A TOBACCO PRODUCT THAT IMPORTS WISE HOLDS ITSELF OUT AS A MANUFACTURER OF A
14 15	INCLUDE:	3.	"MANUFACTURER OF A TOBACCO PRODUCT" DOES NOT
16 17	WHOLESALER OF LEAF TO		A GROWER, BUYER, DEALER, DISTRIBUTOR, OR O; OR
18 19	TOBACCO PRODUCT.	B.	A RETAILER, DISTRIBUTOR, OR WHOLESALER OF A
	(IV) CUT, GROUND, POWDERE THE ORAL CAVITY.		ELESS TOBACCO" MEANS A PRODUCT THAT CONSISTS OF EAF TOBACCO THAT IS INTENDED TO BE PLACED IN
23 24	(V) TOBACCO.	"TOBAC	CCO PRODUCT" MEANS CIGARETTES OR SMOKELESS
27 28 29 30	RIGHT, REMEDY, OR CAUS MANUFACTURER OF A TO MEDICAL ASSISTANCE EX PRODUCT MAY BE PROVE	SE OF AO BACCO KPENDIT EN BY US AMOUN	N UNDER THIS SECTION OR PURSUANT TO ANY OTHER CTION BROUGHT BY THE STATE AGAINST A PRODUCT, THE CAUSATION AND THE AMOUNT OF TURES ATTRIBUTABLE TO THE USE OF A TOBACCO SE OF STATISTICAL ANALYSIS, WITHOUT PROOF OF T OF EXPENDITURES FOR ANY PARTICULAR THER INDIVIDUAL.
	Act or the application thereof t	to any per	ER ENACTED, That if any provision of this can or circumstance is held invalid for any on, the invalidity does not affect other

- provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to 2 any case pending or filed on or after the effective date of this Act and may not be
- 3 applied to any case for which a final judgment has been rendered and for which
- 4 appeals, if any, have been exhausted before the effective date of this Act.
- 5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 6 July 1, 1998.