
By: **Delegate Pitkin**
Introduced and read first time: February 13, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Products Liability - Tobacco Products**

3 FOR the purpose of removing certain restrictions that an individual may face in a
4 cause of action arising from tobacco products under certain circumstances;
5 providing for the application of this Act; making the provisions of this Act
6 severable; and generally relating to removing certain restrictions on causes of
7 actions arising from tobacco products.

8 BY adding to
9 Article - Courts and Judicial Proceedings
10 Section 3-1501 to be under the new subtitle "Subtitle 15. Products Liability -
11 Tobacco Products"
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1997 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Courts and Judicial Proceedings**

17 **SUBTITLE 15. PRODUCTS LIABILITY - TOBACCO PRODUCTS.**

18 3-1501.

19 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THERE SHALL BE NO
20 STATUTORY OR COMMON LAW IMMUNITY FROM OR CATEGORICAL DEFENSE,
21 INCLUDING ASSUMPTION OF RISK AND CONTRIBUTORY NEGLIGENCE, TO A CAUSE
22 OF ACTION BY A PERSON WHO SUFFERS PERSONAL INJURY OR WRONGFUL DEATH
23 FROM OR INCURS INJURY, DAMAGES, OR COSTS ARISING FROM THE PROMOTION,
24 MANUFACTURE, MARKETING, SALE, OR CONSUMPTION OF OR EXPOSURE TO
25 TOBACCO PRODUCTS.

26 (B) A CAUSE OF ACTION DESCRIBED IN THIS SECTION SHALL BE DETERMINED
27 ON ITS MERITS, WITHOUT THE IMPOSITION OF ANY CLAIM UNDER STATUTE OR
28 COMMON LAW OF:

1 (1) IMMUNITY; OR

2 (2) CATEGORICAL DEFENSE, INCLUDING ASSUMPTION OF RISK AND
3 CONTRIBUTORY NEGLIGENCE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply
5 retroactively to any cause of action arising before or after the effective date of this Act
6 except as provided in Section 3 of this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act does not apply to
8 revive any claim in any action for which a final judgment has been rendered and for
9 which appeals, if any, have been exhausted before the effective date of this Act.

10 SECTION 4. AND BE IT FURTHER ENACTED, That if any provision of this
11 Act or the application thereof to any person or circumstance is held invalid for any
12 reason in a court of competent jurisdiction, the invalidity does not affect other
13 provisions or any other application of this Act which can be given effect without the
14 invalid provision or application, and for this purpose the provisions of this Act are
15 declared severable.

16 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1998.