

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 178

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “manufacture” in line 3 down through “transport” in line 4 and substitute “are convicted under certain provisions of law of knowingly and willfully manufacturing, distributing, dispensing, bringing into, or transporting”; in line 5, after “damages” insert “for the death of an individual proximately”; in line 5, after “the” insert “individual’s”; in line 5, strike “controlled dangerous substances” and substitute “the controlled dangerous substance”; strike beginning with “, noneconomic ” in line 10 down through “persons;” in line 13 and substitute “, noneconomic damages, and certain other losses sustained by the plaintiff; providing that a defendant may not raise certain defenses in an action under this Act;”; in line 13, after “term;” insert “providing for the application of this Act;”; and in line 14, strike “dealers of controlled dangerous substances” and substitute “certain persons who are convicted under certain provisions of law of knowingly and willfully manufacturing, distributing, dispensing, bringing into, or transporting in the State a controlled dangerous substance”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 4, inclusive, and substitute:

“A PERSON WHO IS CONVICTED, UNDER ARTICLE 27, § 286 OR § 286A OF THE CODE, OF KNOWINGLY AND WILLFULLY MANUFACTURING, DISTRIBUTING, DISPENSING, BRINGING INTO, OR TRANSPORTING IN THE STATE A CONTROLLED DANGEROUS SUBSTANCE IS LIABLE FOR DAMAGES IN A CIVIL ACTION AS PROVIDED IN THIS SUBTITLE.”.

AMENDMENT NO. 3

On page 2, in line 6, strike “A” and substitute “INSTEAD OF BRINGING A WRONGFUL DEATH ACTION UNDER SUBTITLE 9 OF THIS TITLE AGAINST A PERSON DESCRIBED IN § 3-1602 OF THIS SUBTITLE, A”; in line 6, after “DAMAGES” insert “FOR THE DEATH OF AN”

(Over)

INDIVIDUAL CAUSED BY THE INDIVIDUAL'S USE OF A CONTROLLED DANGEROUS SUBSTANCE"; and strike beginning with "ANYONE" in line 7 down through "(1)" in line 9.

AMENDMENT NO. 4

On page 2, strike beginning with "USER" in line 10 down through "ACTION" in line 30.

AMENDMENT NO. 5

On pages 2 and 3, strike beginning with "WHO" in line 33 on page 2 through "OCCURRED" in line 3 on page 3 and substitute "DESCRIBED IN § 3-1602 OF THIS SUBTITLE IF THE CONTROLLED DANGEROUS SUBSTANCE MANUFACTURED, DISTRIBUTED, DISPENSED, BROUGHT INTO, OR TRANSPORTED IN THE STATE BY THE DEFENDANT WAS ACTUALLY USED BY, AND WAS THE PROXIMATE CAUSE OF THE DEATH OF, AN INDIVIDUAL".

AMENDMENT NO. 6

On page 3, strike beginning with ", INCLUDING" in line 12 down through "INJURY," in line 15; in line 15, after "LOSS" insert "SUSTAINED BY THE PLAINTIFF THAT WAS"; in line 16, after "THE" insert "DEATH OF AN INDIVIDUAL FROM THE INDIVIDUAL'S"; in line 16, after "SUBSTANCE;" insert "AND"; in line 17, strike "PHYSICAL AND EMOTIONAL"; in line 18, strike "PHYSICAL IMPAIRMENT,"; in line 19, strike "DISFIGUREMENT,"; in line 20, strike "LOSSES" and substitute "LOSS SUSTAINED BY THE PLAINTIFF THAT WAS"; in line 21, strike "AN" and substitute "THE DEATH OF AN INDIVIDUAL FROM THE"; and strike beginning with the semicolon in line 22 down through "TESTIMONY" in line 24.

AMENDMENT NO. 7

On page 3, strike in their entirety lines 26 through 28, inclusive, and substitute

"A DEFENDANT IN AN ACTION UNDER THIS SUBTITLE MAY NOT RAISE A DEFENSE OF ASSUMPTION OF RISK OR CONTRIBUTORY NEGLIGENCE BASED ON THE USE OF A CONTROLLED DANGEROUS SUBSTANCE BY THE DECEASED INDIVIDUAL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any civil action for damages for the death of an individual from the use, before the effective date of this Act,

of a controlled dangerous substance.”;

and in line 29, strike “2.” and substitute “3.”.