

HOUSE BILL 178

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HB 1243/98 - JUD

2000 Regular Session
0lr1118

By: **Delegates Menes and Grosfeld**
Introduced and read first time: January 20, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drug Dealer Liability Act**

3 FOR the purpose of making certain persons who manufacture, distribute, dispense, or
4 bring into or transport in the State a controlled dangerous substance liable in a
5 civil action for damages caused by the use of controlled dangerous substances
6 under certain conditions; specifying certain persons entitled to bring an action
7 under this Act; exempting from civil liability law enforcement officers and
8 persons who act at the direction of or in cooperation with law enforcement
9 officers in an official investigation; authorizing persons entitled to bring an
10 action to recover economic damages, noneconomic damages, and court costs and
11 reasonable attorney's fees; prohibiting a third party from paying damages
12 awarded under this Act or providing certain other financial assistance to certain
13 persons; defining a certain term; and generally relating to the civil liability of
14 dealers of controlled dangerous substances.

15 BY adding to
16 Article - Courts and Judicial Proceedings
17 Section 3-1601 through 3-1607 to be under the new subtitle "Subtitle 16. Drug
18 Dealer Liability Act"
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 1999 Supplement)

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

23 **Article - Courts and Judicial Proceedings**

24 **SUBTITLE 16. DRUG DEALER LIABILITY ACT.**

25 3-1601.

26 IN THIS SUBTITLE, "CONTROLLED DANGEROUS SUBSTANCE" HAS THE MEANING
27 STATED IN ARTICLE 27, § 277(F) OF THE CODE.

1 3-1602.

2 A PERSON WHO MANUFACTURES, DISTRIBUTES, DISPENSES, OR BRINGS INTO
3 OR TRANSPORTS IN THE STATE A CONTROLLED DANGEROUS SUBSTANCE IS LIABLE
4 FOR DAMAGES IN A CIVIL ACTION AS PROVIDED IN THIS SUBTITLE.

5 3-1603.

6 A CIVIL ACTION FOR DAMAGES MAY BE BROUGHT UNDER THIS SUBTITLE BY
7 ANYONE WHO IS INJURED FROM THE USE OF A CONTROLLED DANGEROUS
8 SUBSTANCE BY AN INDIVIDUAL, INCLUDING:

9 (1) A PARENT, LEGAL GUARDIAN, CHILD, SPOUSE, OR SIBLING OF THE
10 INDIVIDUAL USER OF THE CONTROLLED DANGEROUS SUBSTANCE;

11 (2) AN INDIVIDUAL WHO WAS EXPOSED TO A CONTROLLED DANGEROUS
12 SUBSTANCE IN UTERO;

13 (3) AN EMPLOYER OF AN INDIVIDUAL USER OF A CONTROLLED
14 DANGEROUS SUBSTANCE;

15 (4) A MEDICAL FACILITY, INSURER, GOVERNMENTAL UNIT, EMPLOYER,
16 OR OTHER ENTITY THAT FUNDS A DRUG TREATMENT PROGRAM OR EMPLOYEE
17 ASSISTANCE PROGRAM FOR THE INDIVIDUAL USER OF A CONTROLLED DANGEROUS
18 SUBSTANCE OR THAT OTHERWISE SPENT MONEY ON BEHALF OF THE INDIVIDUAL
19 USER OF A CONTROLLED DANGEROUS SUBSTANCE; AND

20 (5) THE INDIVIDUAL USER OF THE CONTROLLED DANGEROUS
21 SUBSTANCE, IF:

22 (I) THE INDIVIDUAL PERSONALLY DISCLOSED TO LAW
23 ENFORCEMENT OFFICERS MORE THAN 6 MONTHS BEFORE FILING THE ACTION ALL
24 THE INFORMATION KNOWN TO THE INDIVIDUAL REGARDING THE SOURCE OF THE
25 CONTROLLED DANGEROUS SUBSTANCE;

26 (II) THE INDIVIDUAL DID NOT USE A CONTROLLED DANGEROUS
27 SUBSTANCE WITHIN THE 6 MONTHS BEFORE FILING THE ACTION; AND

28 (III) THE INDIVIDUAL REMAINS FREE OF THE USE OF A
29 CONTROLLED DANGEROUS SUBSTANCE THROUGHOUT THE PENDENCY OF THE
30 ACTION.

31 3-1604.

32 A PERSON ENTITLED TO BRING A CIVIL ACTION UNDER THIS SUBTITLE MAY
33 SEEK DAMAGES FROM A DEFENDANT WHO MANUFACTURED, DISTRIBUTED,
34 DISPENSED, OR BROUGHT INTO OR TRANSPORTED IN THE STATE:

35 (1) THE CONTROLLED DANGEROUS SUBSTANCE THAT WAS ACTUALLY
36 USED BY THE INDIVIDUAL USER; OR

1 (2) A CONTROLLED DANGEROUS SUBSTANCE OF THE SAME TYPE THAT
2 WAS USED BY THE INDIVIDUAL USER, IF THE DEFENDANT'S ACTION OCCURRED AT
3 THE SAME TIME AND IN THE SAME COUNTY IN WHICH THE USE OCCURRED.

4 3-1605.

5 A LAW ENFORCEMENT OFFICER WHO ACTS IN FURTHERANCE OF AN OFFICIAL
6 INVESTIGATION OR A PERSON WHO ACTS AT THE DIRECTION OR IN COOPERATION
7 WITH A LAW ENFORCEMENT OFFICER IN AN OFFICIAL INVESTIGATION IS NOT
8 LIABLE UNDER THIS SUBTITLE.

9 3-1606.

10 A PERSON ENTITLED TO BRING A CIVIL ACTION UNDER THIS SUBTITLE MAY
11 RECOVER ANY OR ALL OF THE FOLLOWING:

12 (1) ECONOMIC DAMAGES, INCLUDING THE COST OF TREATMENT AND
13 REHABILITATION, MEDICAL EXPENSES, LOSS OF ECONOMIC OR EDUCATIONAL
14 POTENTIAL, LOSS OF PRODUCTIVITY, ABSENTEEISM, SUPPORT EXPENSES,
15 ACCIDENTS OR INJURY, AND ANY OTHER PECUNIARY LOSS PROXIMATELY CAUSED
16 BY THE UNLAWFUL USE OF A CONTROLLED DANGEROUS SUBSTANCE;

17 (2) NONECONOMIC DAMAGES, INCLUDING PHYSICAL AND EMOTIONAL
18 PAIN AND SUFFERING, PHYSICAL IMPAIRMENT, EMOTIONAL DISTRESS, MENTAL
19 ANGUISH, DISFIGUREMENT, LOSS OF ENJOYMENT, LOSS OF COMPANIONSHIP,
20 SERVICES AND CONSORTIUM, AND OTHER NONPECUNIARY LOSSES PROXIMATELY
21 CAUSED BY AN INDIVIDUAL'S UNLAWFUL USE OF A CONTROLLED DANGEROUS
22 SUBSTANCE; OR

23 (3) COURT COSTS AND REASONABLE ATTORNEY'S FEES, INCLUDING
24 REASONABLE EXPENSES FOR EXPERT TESTIMONY.

25 3-1607.

26 A THIRD PARTY MAY NOT PAY DAMAGES AWARDED UNDER THIS SUBTITLE,
27 PROVIDE A DEFENSE, OR PROVIDE MONEY FOR A DEFENSE ON BEHALF OF AN
28 INSURED UNDER A CONTRACT OF INSURANCE OR INDEMNIFICATION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2000.