

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 470

(First Reading File Bill)

AMENDMENT NO. 1

In the sponsor line, strike “and Teitelbaum” and substitute “Teitelbaum, Exum, Kelley, and Della”; in line 2, after “of” insert “Food, Drugs, Cosmetics, and Other”; in lines 5 and 6, in each instance, after “drugs,” insert “cosmetics,”; and in line 5, after “products;” insert “authorizing the person to prove, as a partial or complete defense against a damage claim, in order to avoid duplicative liability, that all or any part of an alleged overcharge ultimately was passed on to another person by a purchaser or seller in the chain of manufacture, production, or distribution who paid the alleged overcharge; providing for the application of this Act;”.

AMENDMENT NO. 2

In line 17, after “ADDITIVE,” insert “COMMERCIAL FEED, AS DEFINED IN § 6-101 OF THE AGRICULTURE ARTICLE,”.

AMENDMENT NO. 3

In line 16, before “A” insert “IN ANY ACTION BROUGHT UNDER § 11-209 OF THE COMMERCIAL LAW ARTICLE,”; strike beginning with “MAY” in line 17 down through “ARTICLE,” in line 18 and substitute “;

(1) MAY NOT”;

and in line 19, after “PLAINTIFF” insert “; AND

(2)

MAY PROVE, AS A PARTIAL OR COMPLETE DEFENSE AGAINST A DAMAGE CLAIM, IN ORDER TO AVOID DUPLICATIVE LIABILITY, THAT ALL OR ANY PART OF AN ALLEGED OVERCHARGE ULTIMATELY WAS PASSED ON TO ANOTHER PERSON BY A PURCHASER OR SELLER IN THE CHAIN OF MANUFACTURE, PRODUCTION, O

(Over)

R DISTRIBUTION WHO PAID THE ALLEGED OVERCHARGE”.

AMENDMENT NO. 4

After line 19, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed prospectively to apply only to an action brought under § 11-209 of the Commercial Law Article on or after the effective date of this Act.”;

and in line 20, strike “2.” and substitute “3.”.