

HOUSE BILL 363

M3, P1
HB 1078/21 – HGO

2lr1875

By: **Delegates Ruth, Terrasa, Acevero, Amprey, Bagnall, Bartlett, Belcastro, Boyce, Charkoudian, Conaway, Ebersole, Feldmark, Fennell, W. Fisher, Foley, Forbes, Fraser–Hidalgo, Guyton, Hill, Lehman, J. Lewis, R. Lewis, Love, Luedtke, Palakovich Carr, Pena–Melnik, Smith, Solomon, Stein, Stewart, and Williams**

Introduced and read first time: January 19, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Attorney General – Climate Change Actions – Authorization**

3 FOR the purpose of authorizing the Attorney General to investigate, commence, and
4 prosecute or defend any suit or action that holds certain entities accountable for
5 tortious or otherwise unlawful conduct that has contributed to climate change;
6 authorizing the Attorney General to hire outside counsel on a contingency fee basis
7 to assist with an action under this Act if the Attorney General makes a certain
8 determination; and generally relating to the authority of the Attorney General.

9 BY adding to

10 Article – Environment

11 Section 1–306

12 Annotated Code of Maryland

13 (2013 Replacement Volume and 2021 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Environment**

17 **1–306.**

18 **(A) FOR THE PROTECTION OF THE HEALTH AND SAFETY OF THE STATE’S**
19 **CITIZENS AND ENVIRONMENT, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT**
20 **A PUBLICLY TRADED ENTITY WITH A MARKET CAPITALIZATION GREATER THAN**
21 **\$1,000,000,000 AND ITS SUBSIDIARIES BE HELD ACCOUNTABLE FOR ANY TORTIOUS**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 OR OTHERWISE UNLAWFUL CONDUCT ON THE PART OF THE ENTITY OR SUBSIDIARY
2 THAT HAS CONTRIBUTED TO CLIMATE CHANGE, INCLUDING ASSOCIATED
3 ENVIRONMENTAL AND OTHER HARMS CAUSED, WHETHER THROUGH FRAUD,
4 DECEPTION, OR ANY OTHER MECHANISM, ACTION, INACTION, OR PRACTICE.

5 (B) THE ATTORNEY GENERAL MAY INVESTIGATE, COMMENCE, AND
6 PROSECUTE OR DEFEND ANY CIVIL OR CRIMINAL SUIT OR ACTION THAT HOLDS
7 ACCOUNTABLE A PUBLICLY TRADED ENTITY WITH A MARKET CAPITALIZATION
8 GREATER THAN \$1,000,000,000 OR ITS SUBSIDIARIES FOR TORTIOUS OR
9 OTHERWISE UNLAWFUL CONDUCT ON THE PART OF THE ENTITY OR SUBSIDIARY
10 THAT HAS CONTRIBUTED TO CLIMATE CHANGE THROUGH FRAUD, DECEPTION, OR
11 ANY OTHER MECHANISM, ACTION, INACTION, OR PRACTICE.

12 (C) THE ATTORNEY GENERAL MAY HIRE OUTSIDE COUNSEL ON A
13 CONTINGENCY FEE BASIS TO ASSIST WITH AN ACTION UNDER THIS SECTION IF THE
14 ATTORNEY GENERAL DETERMINES THAT HIRING OUTSIDE COUNSEL ON SUCH A
15 BASIS IS IN THE BEST INTEREST OF THE STATE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2022.