

CHAPTER 397

(House Bill 829)

AN ACT concerning

Civil Actions - Defenses - Sales of Food, Drugs, Cosmetics, and Other Health-Related Products

FOR the purpose of abolishing in certain civil actions a defense of indirect contact with the plaintiff person on whose behalf the action is brought for a person that sells, distributes, or otherwise disposes of food, drugs, cosmetics, and certain other health-related products; 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; allowing the Attorney General to bring certain actions on behalf of certain persons; establishing that certain actions are presumed superior to certain class actions; and generally relating to the sale or distribution of foods, drugs, cosmetics, and other health-related products.

BY adding to

Article - Health - General

Section 21-1114

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Commercial Law

Section 11-209(b)(5) and (c)

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)

BY adding to

Article - Commercial Law

Section 11-209(c)

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)

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

Article - Health - General

21-1114.

IN ANY ACTION BROUGHT BY THE ATTORNEY GENERAL UNDER § 11-209 OF THE COMMERCIAL LAW ARTICLE, A PERSON THAT SELLS, DISTRIBUTES, OR OTHERWISE