

Very truly yours,  
Robert L. Ehrlich, Jr.  
Governor

**Senate Bill No. 413**

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**