

TRANSPORTED IN THE STATE BY THE DEFENDANT WAS ACTUALLY USED BY, AND WAS THE PROXIMATE CAUSE OF THE DEATH OF, AN INDIVIDUAL.

3-1605.

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

3-1606.

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

(1) ~~ECONOMIC DAMAGES, INCLUDING THE COST OF TREATMENT AND REHABILITATION, MEDICAL EXPENSES, LOSS OF ECONOMIC OR EDUCATIONAL POTENTIAL, LOSS OF PRODUCTIVITY, ABSENTEEISM, SUPPORT EXPENSES, ACCIDENTS OR INJURY,~~ AND ANY OTHER PECUNIARY LOSS SUSTAINED BY THE PLAINTIFF THAT WAS PROXIMATELY CAUSED BY THE DEATH OF AN INDIVIDUAL FROM THE INDIVIDUAL'S UNLAWFUL USE OF A CONTROLLED DANGEROUS SUBSTANCE; AND

(2) ~~NONECONOMIC DAMAGES, INCLUDING PHYSICAL AND EMOTIONAL PAIN AND SUFFERING, PHYSICAL IMPAIRMENT, EMOTIONAL DISTRESS, MENTAL ANGUISH, DISFIGUREMENT,~~ LOSS OF ENJOYMENT, LOSS OF COMPANIONSHIP, SERVICES AND CONSORTIUM, AND OTHER NONPECUNIARY ~~LOSSES~~ LOSS SUSTAINED BY THE PLAINTIFF THAT WAS PROXIMATELY CAUSED BY AN THE DEATH OF AN INDIVIDUAL FROM THE INDIVIDUAL'S UNLAWFUL USE OF A CONTROLLED DANGEROUS SUBSTANCE; OR

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

3-1607.

~~A THIRD PARTY MAY NOT PAY DAMAGES AWARDED UNDER THIS SUBTITLE, PROVIDE A DEFENSE, OR PROVIDE MONEY FOR A DEFENSE ON BEHALF OF AN INSURED UNDER A CONTRACT OF INSURANCE OR INDEMNIFICATION. A DEFENDANT IN AN ACTION UNDER THIS SUBTITLE MAY NOT RAISE A DEFENSE OF ASSUMPTION OF RISK OR CONTRIBUTORY NEGLIGENCE BASED ON THE USE OF A CONTROLLED DANGEROUS SUBSTANCE BY THE DECEASED INDIVIDUAL.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any civil action for damages for the death of an individual from the use, before the effective date of this Act, of a controlled dangerous substance.

SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2000.

May 18, 2000