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**HOUSE BILL NO. 2407****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Courts of Justice  
on February 4, 2001)

(Patron Prior to Substitute—Delegate Griffith)

*A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 8.01 an article numbered 23, consisting of sections numbered 8.01-227.4 through 8.01-227.7, relating to civil liability for drug dealers.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 3 of Title 8.01 an article numbered 23, consisting of sections numbered 8.01-227.4 through 8.01-227.7 as follows:**

*Article 23.**Drug Dealer Liability Act*

*§ 8.01-227.4. Definitions.*

*As used in this article,*

*"Illegal controlled substance" means a controlled substance as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.*

*"Individual user" means the individual whose use of an illegal controlled substance that is not obtained directly from or pursuant to a valid prescription or order of a licensed physician or practitioner is the basis of an action brought under this article.*

*"Marketing of an illegal controlled substance" means the possession with intent to distribute or distribution of an illegal controlled substance.*

*"Participate in the marketing of an illegal controlled substance" means to transport, import or offer to transport or import into the Commonwealth, possess with intent to distribute, or distribute an illegal controlled substance, but does not include the purchase or receipt of an illegal controlled substance for personal use only.*

*§ 8.01-227.5. Persons who may bring action; persons against whom actions may be brought; damages recoverable.*

*A. Any one or more of the following persons may bring an action for damages caused by an individual's use of an illegal controlled substance against those persons enumerated in subsection B:*

*1. A parent, legal custodian, child or spouse of the individual user; or*

*2. A person injured as a result of the willful, reckless, or negligent actions of an individual user.*

*B. A person entitled to bring an action may seek damages from either or both of the following:*

*1. A person who sold, administered, or furnished an illegal controlled substance to the individual user; or*

*2. A person who knowingly participated in the marketing of an illegal controlled substance to the individual user.*

*C. A person entitled to bring an action under this article may recover damages including, but not limited to, physical and emotional pain and suffering, the cost of treatment and rehabilitation, medical expenses, loss of support expenses, expenses arising from accidents or injury and any other loss proximately caused to the claimant by the use of an illegal controlled substance by the individual user.*

*§ 8.01-227.6. Affirmative defense; liability of law-enforcement officer or agency.*

*It shall be an affirmative defense to any action brought pursuant to this article that the person who possessed with the intent to distribute or distributed an illegal controlled substance did so under the authority of law as a licensed physician or practitioner, as an ultimate user of the illegal controlled substance pursuant to a lawful prescription, or as a person otherwise authorized by law.*

*A law-enforcement officer or agency shall not be liable under this article if acting in furtherance of an official investigation.*

*§ 8.01-227.7. Statute of limitations.*

*The statute of limitations for a cause of action pursuant to this article shall be the longer of two years after:*

*A. A defendant furnishes the illegal controlled substance; or*

*B. A person who may recover has reason to know of the harm from the use of an illegal controlled substance that is the basis for the cause of action.*