

VIRGINIA ACTS OF ASSEMBLY -- 2002 RECONVENED SESSION

CHAPTER 863

An Act 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 of drug dealers.

[H 324]

Approved April 17, 2002

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:

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

"Health care provider" means a health care provider as defined in § 8.01-581.1.

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

A. A parent or legal custodian may bring an action for damages incurred because of his child's unlawful use of a controlled substance while under the age of eighteen against a natural person age eighteen years or older who sold, administered, furnished or knowingly participated in the unlawful distribution of a controlled substance to the child.

B. A parent or legal custodian entitled to bring an action under this article may recover damages limited to physical and emotional pain and suffering, the cost of treatment and rehabilitation and medical expenses, proximately caused to the parent or legal custodian by the child's unlawful use of a controlled substance.

§ 8.01-227.6. Law-enforcement officer or agency; health care provider not liable under certain conditions.

A law-enforcement officer or agency shall not be liable under this article if acting in furtherance of an official investigation. A health care provider who in good faith and in compliance with state or federal law, sells, administers, furnishes or distributes a controlled substance shall not be liable under this article.

§ 8.01-227.7. Statute of limitations.

Every action brought pursuant to this article shall be commenced no later than two years after the child's eighteenth birthday.