

May 9, 2006

S 1211. BLAIRE THOMPSON DRUG DEALER LIABILITY ACT. Filed 5/9/06. *TO ENACT THE BLAIRE THOMPSON DRUG DEALER LIABILITY ACT IN ORDER TO PROVIDE A CIVIL REMEDY FOR DAMAGES TO PERSONS IN A COMMUNITY INJURED BY AN INDIVIDUAL'S USE OF ILLEGAL CONTROLLED SUBSTANCES AND TO APPROPRIATE FUNDS TO HELP IMPLEMENT THIS ACT.* Enacts a new Article 5F of GS Chapter 90 as title indicates. A civil action under the Article may be brought by a parent, guardian, child, spouse, or sibling of an individual user; an individual who was exposed to an illegal controlled substance in utero; an employer of an individual user; a medical facility, insurer, employer, governmental entity, or other entity that funds a drug treatment program or employee assistance program; or a person injured as a result of the willful, reckless, or negligent actions of an individual user. Allows an individual user to bring a civil action if the user has not used an illegal controlled substance within 30 days before filing the action, does not use an illegal controlled substance while the action is pending, and personally discloses, not less than six months before filing the action, all of the information known to the individual regarding the individual's sources of illegal controlled substances. A civil action under the Article may be brought against a person who sold, administered, or furnished an illegal controlled substance to an individual user or, under specified conditions, a person who knowingly participating in the marketing of an illegal controlled substance. Allows the recovery of economic damages, noneconomic damages, exemplary damages, reasonable attorneys' fees, and costs. Does not allow an individual user to recover noneconomic damages or exemplary damages. Prohibits assignment of cause of action. Establishes two-year statute of limitations but tolls the limitation while an individual plaintiff is incapacitated by the use of an illegal controlled substance and until six months after a defendant is convicted under GS Chapter 90. Requires continuance of a civil action pending investigation or prosecution involving an illegal controlled substance. Appropriates \$50,000 from the General Fund to the Administrative Office of the Courts to implement the act. Effective December 1, 2006.

Intro. by Boseman.

GS 90, APPROP

July 7, 2006

S 1211. BLAIRE THOMPSON DRUG DEALER LIABILITY ACT. Filed 5/9/06. Senate committee substitute completely rewrites 1st edition as *AN ACT TO CREATE THE BLAIRE THOMPSON FUND IN ORDER TO PROVIDE COMPENSATION FOR DAMAGES RESULTING FROM THE ILLEGAL DISTRIBUTION OF CONTROLLED SUBSTANCES.* States purpose as providing damages to people injured by a use of illegal drugs and establishes transfer tax payable by drug dealers that will be directed to the Blaire Thompson Fund to pay for the damages. Amends GS 15B-2 to include within definition of "criminally injurious conduct" the illegal distribution or transfer of controlled substances and to define "controlled substance." Enacts new GS 15B-8(c) (procedure for filing application) to provide that only people who have suffered damages proximately caused by the illegal use of a controlled substance are qualified as claimants for an award of compensation from the Fund. Also provides that claimants shall not have an award withheld or reduced based on either the criminal misconduct or the contributory negligence of the claimant or the victim of criminally injurious conduct. Adds new GS 15B-23.1 to create the Fund and provide that any surplus in the Fund shall not revert. Adds new GS 105-113.107B (transfer tax on unauthorized substances) to levy a transfer tax at rates specified in bill on controlled substances that have been transferred by dealers. Also levies transfer tax on illicit spirituous liquor at rates specified in bill. Amends GS 105-113.109 to provide that the transfer tax is payable by any dealer who actually or constructively transfers an unauthorized substance on which the transfer tax has not been paid, as evidenced by an unexpired transfer stamp. Tax is payable before transfer, and stamps issued on payment of tax expire five days from date of issuance. Makes various conforming amendments to GS Chapter 15B (Crime Victim's Compensation Act) and GS Chapter 105 (Taxation). Enacts new GS 105-113.106(8b) to define "transfer" as the actual or constructive change of possession from one person to another of a substance regulated by GS Chapter 105. Act is applicable to transfers of illegal controlled substances made on or after December 1, 2006. Provisions establishing fund and other changes to Crime Victim's Compensation Act are effective when act becomes law.

