

105TH CONGRESS
2^D SESSION

H. R. 4204

To amend the Controlled Substances Act to provide civil liability for illegal manufacturers and distributors of controlled substances for the harm caused by the use of those controlled substances.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 1998

Mr. LATHAM introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act to provide civil liability for illegal manufacturers and distributors of controlled substances for the harm caused by the use of those controlled substances.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drug Dealer Liability
5 Act of 1998”.

1 **SEC. 2. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LI-**
2 **ABILITY.**

3 (a) IN GENERAL.—Part E of the Controlled Sub-
4 stances Act is amended by adding at the end the following:

5 **“SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER**
6 **LIABILITY.**

7 “(a) IN GENERAL.—Except as provided in subsection
8 (b), any person who manufactures or distributes a con-
9 trolled substance in violation of this title or title III shall
10 be liable in a civil action to any party harmed, directly
11 or indirectly, by the use of that controlled substance.

12 “(b) EXCEPTION.—An individual user of a controlled
13 substance may not bring an or maintain an action under
14 this section unless all of the following conditions are met:

15 “(1) The individual personally discloses to nar-
16 cotics enforcement authorities all of the information
17 known to the individual regarding all that individ-
18 ual’s sources of illegal controlled substances.

19 “(2) The individual has not used an illegal con-
20 trolled substance within the 30 days before filing the
21 action.

22 “(3) The individual continues to remain free of
23 the use of an illegal controlled substance throughout
24 the pendency of the action.”.

25 (b) CLERICAL AMENDMENT.—The table of sections
26 for the Comprehensive Drug Abuse Prevention and Con-

- 1 trol Act of 1970 is amended by inserting after the time
- 2 relating to section 520 the following new item:

“Sec. 521. Federal cause of action for drug dealer liability.”.

