

S.197 (Vetoed). Conservation and land development; judiciary; toxic substances; medical monitoring damages

An act relating to liability for toxic substance exposures or releases

This bill would have authorized a cause of action by a person, with or without a present injury, for medical monitoring damages against a large user of a toxic substance who released a toxic substance. All of the following would have been required to be demonstrated to bring the cause of action: the person was exposed to the toxic substance at greater than normal background concentration levels; the exposure was the result of tortious conduct of the large user of toxic substance who released the toxic substance; as approximate result of the exposure, the person has a greater risk than the general public of contracting a latent disease; diagnostic testing is reasonably necessary; and medical tests or procedures exist to detect the latent disease. The ability to pursue a cause of action medical monitoring damages would not have precluded the pursuit of any other civil or injunctive remedy available under statute or common law. The bill would have exempted municipal facilities, lawfully applied pesticides, lawfully applied nutrients by persons engaged in farming, and lead ammunition discharged, used, or stored by a sport shooting range implementing a lead management plan. The bill would have required the Department of Health to maintain on its website links to the lists of substances, mixtures, or compounds referenced in the bill's definition of toxic substance.

Vetoed by the Governor: May 22, 2018

Effective Date: Not applicable