

By: Simpson

H.B. No. 1200

A BILL TO BE ENTITLED

1 AN ACT
2 relating to civil liability of a person who produces, distributes,
3 sells, or provides or aids in the production, distribution, sale,
4 or provision of certain synthetic substances to another person for
5 damages caused by the other person.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter D, Chapter 481, Health and Safety
8 Code, is amended by adding Section 481.1191 to read as follows:

9 Sec. 481.1191. CIVIL LIABILITY FOR ENGAGING IN OR AIDING IN
10 PRODUCTION, DISTRIBUTION, SALE, OR PROVISION OF SYNTHETIC
11 SUBSTANCES. (a) In this section:

12 (1) "Minor" means a person younger than 18 years of
13 age.

14 (2) "Synthetic substance" means a substance that
15 produces and is intended to produce when consumed or ingested an
16 effect similar to or in excess of the effect produced by the
17 consumption or ingestion of a controlled substance or controlled
18 substance analogue.

19 (b) A person is liable for all damages caused by the
20 consumption or ingestion of a synthetic substance by another person
21 if the actor:

22 (1) produced, distributed, sold, or provided the
23 synthetic substance to the other person; or

24 (2) aided in the production, distribution, sale, or

1 provision of the synthetic substance to the other person.

2 (c) A person is strictly liable for all damages caused by
3 the consumption or ingestion of a synthetic substance by a minor if
4 the actor:

5 (1) produced, distributed, sold, or provided the
6 synthetic substance to the minor; or

7 (2) aided in the production, distribution, sale, or
8 provision of the synthetic substance to the minor.

9 (d) A person who is found liable under this section or other
10 law for any amount of damages arising from the consumption or
11 ingestion by another of a synthetic substance is jointly and
12 severally liable with any other person for the entire amount of
13 damages awarded.

14 (e) Chapter 33, Civil Practice and Remedies Code, does not
15 apply to an action brought under this section or an action brought
16 under Section 17.50, Business & Commerce Code, based on conduct
17 made actionable under Subsection (f).

18 (f) Conduct for which Subsection (b) or (c) creates
19 liability is a false, misleading, or deceptive act or practice or an
20 unconscionable action or course of action for purposes of Section
21 17.50, Business & Commerce Code, and that conduct is actionable
22 under Subchapter E, Chapter 17, Business & Commerce Code, and is
23 subject to any remedy prescribed by that subchapter.

24 (g) An action brought under this section may include a claim
25 for exemplary damages, which may be awarded in accordance with
26 Section 41.003, Civil Practice and Remedies Code.

27 (h) Section 41.008, Civil Practice and Remedies Code, does

1 not apply to the award of exemplary damages in an action brought
2 under this section.

3 (i) Section 41.005, Civil Practice and Remedies Code, does
4 not apply to a claim for exemplary damages in an action brought
5 under this section.

6 SECTION 2. This Act applies only to a cause of action that
7 accrues on or after the effective date of this Act. A cause of
8 action that accrued before the effective date of this Act is
9 governed by the law applicable to the cause of action immediately
10 before the effective date of this Act, and that law is continued in
11 effect for that purpose.

12 SECTION 3. This Act takes effect September 1, 2015.