

Senate Bill 622

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows plaintiff in civil action or suit based on use of tobacco, or exposure to tobacco, to recover from manufacturer of product containing tobacco costs of medical monitoring for disease that are incurred after judgment in action or suit is entered. Provides that costs of medical monitoring may be recovered without showing of present injury if plaintiff establishes that plaintiff has increased risk of disease by reason of use or exposure.

Provides that in action or suit to recover costs of medical monitoring, judgment may require that as condition of receiving medical monitoring plaintiff must have ceased use of tobacco products or have agreed to enter smoking cessation program paid for by defendant.

Requires that action or suit to recover costs of medical monitoring for disease based on use of tobacco, or exposure to tobacco, must be commenced not more than two years after later of effective date of Act, or date on which plaintiff first discovered, or in exercise of reasonable care should have discovered, increased risk of disease by reason of use of tobacco or exposure to tobacco.

A BILL FOR AN ACT

1
2 Relating to medical monitoring.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) A plaintiff in a civil action or suit based on use of tobacco, or exposure**
5 **to tobacco, may recover from the manufacturer or manufacturers of the product containing**
6 **the tobacco the costs of medical monitoring for disease that are incurred after the judgment**
7 **in the action or suit is entered. Costs of medical monitoring may be recovered under this**
8 **section without a showing of present injury if the plaintiff establishes that the plaintiff has**
9 **an increased risk of disease by reason of the use or exposure.**

10 **(2) In any action or suit to recover the costs of medical monitoring for disease based on**
11 **use of tobacco, or exposure to tobacco, a judgment for a prevailing plaintiff may require that**
12 **as a condition of receiving medical monitoring the plaintiff must have ceased the use of to-**
13 **bacco products or agreed to enter a smoking cessation program paid for by the defendant in**
14 **the action or suit.**

15 **(3) Notwithstanding any other limitation provided by law, an action or suit to recover the**
16 **costs of medical monitoring for disease based on use of tobacco, or exposure to tobacco,**
17 **must be commenced not more than two years after the later of:**

18 **(a) The effective date of this 2011 Act; or**

19 **(b) The date on which the plaintiff first discovered, or in the exercise of reasonable care**
20 **should have discovered, the increased risk of disease by reason of the use of tobacco or ex-**
21 **posure to tobacco.**

22 **SECTION 2. Section 1 of this 2011 Act applies only to actions or suits commenced on or**
23 **after the effective date of this 2011 Act.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.