

58-37e-5 Limited recovery of damages.

- (1) An individual drug user may not bring an action for damages caused by the use of an illegal drug, except as otherwise provided in this section. An individual drug user may bring an action for damages caused by the use of an illegal drug only if all of the following conditions are met:
 - (a) the individual personally discloses to narcotics enforcement authorities, more than six months before filing the action, all of the information known to the individual regarding all that individual's sources of illegal drugs;
 - (b) the individual has not used an illegal drug within the six months before filing the action; and
 - (c) the individual continues to remain free of the use of an illegal drug throughout the pendency of the action.
- (2) A person entitled to bring an action under this section may seek damages only from a person who distributed, or is in the chain of distribution of, an illegal drug that was actually used by the individual drug user.
- (3) A person entitled to bring an action under this section may recover only the following damages:
 - (a) economic damages, including the cost of treatment, rehabilitation, and medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, accidents or injury, and any other pecuniary loss proximately caused by the person's illegal drug use;
 - (b) reasonable attorney's fees; and
 - (c) costs of suit, including reasonable expenses for expert testimony.

Enacted by Chapter 349, 1997 General Session