

Part 8
Death from Illegal Drug Use

78B-3-801 Cause of action for death or addiction caused by use or ingestion of illegal controlled substances -- Damages.

- (1) As used in this section, "substance" means any illegal controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act.
- (2) A person is subject to a civil action by a person or an estate under Subsection (3) who:
 - (a) unlawfully provided to or administered to the deceased person or the addicted person any substance that caused or contributed to the person's addiction or to the death of the deceased person; or
 - (b) unlawfully provided any substance to any person in the chain of transfer of the substance that connects directly to the person who subsequently provided or administered the illegal controlled substance to the addicted person or to the deceased person under Subsection (2) (a).
- (3)
 - (a) A civil action for treble damages and punitive damages may be brought against any person under Subsection (2) by the estate of a person whose death was caused in whole or in part by ingestion or other exposure to any illegal controlled substance.
 - (b) A civil action for treble damages, punitive damages, and costs of addiction treatment or rehabilitation may be brought against any person under Subsection (2) by a person who has become or is addicted to any illegal controlled substance and the addiction was caused in whole or in part by ingestion of any illegal controlled substance.
- (4) The burden is on the estate or the addicted person to prove the causal connection between the death or addiction, any substances provided or administered to the deceased or addicted person, and the defendant.
- (5) This section does not establish liability of or create a cause of action regarding:
 - (a) a parent or guardian of a person younger than 18 years of age who acts in violation of this section, unless the parent or guardian acts in violation of this section; or
 - (b) a person who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, and who acts in accordance with the act.

Amended by Chapter 345, 2010 General Session