

BILL ANALYSIS

Senate Research Center
77R9381 DAK-D

H.B. 2087
By: Clark (Haywood)
Jurisprudence
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Engrossed

DIGEST AND PURPOSE

Methamphetamine, an addictive stimulant drug, is produced in large quantities in clandestine labs in the United States. In Texas in 1999, 181 drug production labs were seized according to the United States Drug Enforcement Agency. Production of methamphetamine generates five to seven pounds of potentially harmful waste for every pound of methamphetamine produced. Residents living near production labs, hotel owners who unknowingly house production labs, and law enforcement officers involved in seizing the labs are all at risk of damage to the central nervous system, kidneys, and liver, as well as irritation of the skin, nose, and eyes. H.B. 2087 holds a person who manufactures methamphetamine liable for damages to individuals and property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 99, as follows:

CHAPTER 99. LIABILITY FOR MANUFACTURE OF METHAMPHETAMINE

Sec. 99.001. **APPLICABILITY.** Provides that this chapter applies only to a person who manufactures methamphetamine in violation of Section 481.112 (Offense: Manufacture or Delivery of Substance in Penalty Group 1), Health and Safety Code, without regard to whether the person is convicted of the offense.

Sec. 99.002. **STRICT LIABILITY FOR DAMAGES ARISING FROM MANUFACTURE.** Provides that a person who manufactures methamphetamine is strictly liable for damages for personal injury, death, or property damage arising from the manufacture.

Sec. 99.003. **STRICT LIABILITY AND MINIMUM DAMAGES FOR EXPOSURE.** Provides that a person who manufactures methamphetamine is strictly liable for any exposure by an individual to the manufacturing process, including exposure to the methamphetamine itself or any of the byproducts or waste products incident to the manufacture, for the greater of actual damages for personal injury, death, or property damage as a result of the exposure or \$10,000 for each incident of exposure.

Sec. 99.004. **JOINT AND SEVERAL LIABILITY.** Provides that a person who manufactures methamphetamine and is found liable under this chapter or other law for any amount of damages arising from the manufacture is jointly liable with any other defendant for the entire amount of damages arising from the manufacture.

Sec. 99.005. **CHAPTER 33 DOES NOT APPLY.** Provides that Chapter 33 does not apply in an action for damages arising from the manufacture of methamphetamine.

Sec. 99.006. NO LIMITATION ON EXEMPLARY DAMAGES. Provides that Section 41.008(b) does not apply in an action for damages arising from the manufacture of methamphetamine.

SECTION 2. Amends Section 33.002(c), Civil Practice and Remedies Code, to provide that this chapter does not apply to certain actions or claims, including a cause of action for damages arising from the manufacture of methamphetamine as described by Chapter 99.

SECTION 3. Amends Section 41.008, Civil Practice and Remedies Code, by adding Subsection (f), to provide that Subsection (b) does not apply to a cause of action for damages arising from the manufacture of methamphetamine as described by Chapter 99.

SECTION 4. Effective date: upon passage or September 1, 2001.
Makes application of this Act prospective.