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ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY No. 1494

STATE OF NEW JERSEY

ADOPTED MAY 2, 1996

Sponsored by Assemblywoman WRIGHT and Assemblyman DiGAETANO

1 AN ACT concerning the statute of limitations in certain civil actions
2 and supplementing chapter 14 of Title 2A of the New Jersey
3 Statutes.

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5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. a. The Legislature finds and declares:

9 (1) Over one-half of the people with hemophilia in this country
10 were infected with the human immunodeficiency virus (HIV) in the
11 early 1980's from contaminated blood products.

12 (2) AIDS, unlike any other disease, stigmatizes and isolates its
13 victims. Victims, their families and survivors have been reluctant to
14 step forward and seek compensation for their injuries through the legal
15 system because of their legitimate fear of attendant publicity.

16 (3) Because of this fear, many did not seek timely redress. They
17 also were unaware that blood product manufacturers may have had the
18 technical capacity at the time to address the situation and may have
19 been responsible for their injuries. It is only very recently that a
20 government-sponsored report was issued indicating that the blood
21 products could have been virally inactivated prior to the advent of the
22 AIDS epidemic among blood product recipients.

23 (4) The scientific complexity of the issue, the compelling
24 psychological and emotional trauma associated with the disease, the
25 lack of publicly available information and the lack of definitive studies
26 at the time combined to create a singular, unique circumstance which
27 existing limitations principles are ill-suited to address.

28 (5) This act will provide a remedy for the bar which may be
29 imposed by the statute of limitations in these cases by setting a date
30 certain for the accrual of the cause of action.

31 (6) The Legislature expresses no opinion as to whether any blood
32 product manufacturers may, or may not, have actually been at fault for

1 the contracting of HIV and AIDS among blood product recipients. It
2 is simply the intent of the Legislature to allow these particular victims
3 "their day in court" in light of the unique and extraordinary
4 circumstances of their plight.

5 b. Notwithstanding the provisions of any other law to the
6 contrary, no action for damages based upon personal injury,
7 survivorship or wrongful death brought against a proprietary
8 manufacturer of blood products based on infusion of a blood product
9 resulting in contracting human immunodeficiency virus (HIV) or
10 acquired immunodeficiency syndrome (AIDS) shall be deemed to
11 accrue prior to July 13, 1995.

12 c. The provisions of this act shall apply to all pending claims,
13 including any action which has been filed with a court but not yet
14 dismissed or finally adjudicated.

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16 2. The provisions of this act shall be inapplicable to any civil
17 action governed by the statute of limitations of another jurisdiction.

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19 3. This act shall take effect immediately.

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24 Clarifies accrual of cause of action in certain suits by blood product
25 recipients.