

SENATE, No. 433

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senators LYNCH, MATHEUSSEN, Martin, Inverso,  
Bryant, Zane, Girgenti, Lesniak, Kenny, Sinagra, Kosco,  
McNamara, Haines, MacInnes, Adler, Rice, Casey, Lipman,  
Sacco, Singer, O'Connor, Ciesla, Cafiero, McGreevey, Bennett,  
LaRossa and Connors.

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

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

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7 1. Notwithstanding the provisions of any other law to the contrary,  
8 any cause of action against a proprietary manufacturer of blood  
9 products for damages including personal injury, survivorship and  
10 wrongful death involving the infusion of such blood products which  
11 resulted in the contraction of the human immunodeficiency virus (HIV)  
12 or AIDS by any person, the spouse or children of such person or the  
13 estate of such person, which is barred by the applicable statute of  
14 limitations on the effective date of this act, is revived and a civil action  
15 may be filed provided that such action is filed within one year of the  
16 effective date of this act.

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

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21 3. This act shall take effect immediately and shall expire one year  
22 following enactment.

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STATEMENT

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27 Individuals who use commercial blood products, especially  
28 individuals with hemophilia and other blood disorders, have been  
29 devastated by illnesses caused by HIV infection including AIDS. Their  
30 spouses and children have been devastated as well. These blood  
31 products, which are sometimes known as "Factor VIII" and "Factor  
32 IX," are manufactured by proprietary blood companies. The illnesses

1 caused by infusion of these blood products have been responsible for  
2 great personal and economic hardship for the victims and their families  
3 and have wrought terrible illness and death.

4 The Legislature recognizes that the epidemic of HIV and AIDS  
5 infection among these individuals and their families was unique in the  
6 annals of public health. The victims, through no fault of their own, did  
7 not pursue legal remedies for compensation against the manufacturers:  
8 the role of blood products as a cause of HIV infection was poorly  
9 understood at the time, and the great consequences of HIV infection  
10 were not immediately appreciated by the medical and scientific  
11 communities and by victims. The Legislature specifically recognizes  
12 that the social stigma associated with the disease prevented victims  
13 and their families from stepping forward to institute timely legal  
14 actions.

15 Victims were also not aware of the possibility that blood product  
16 manufacturers could have used alternative processes at the time which  
17 would have rendered the products safe, but that they failed to do so.

18 This possibility is documented in a report issued on July 13, 1995,  
19 entitled "HIV and the Blood Supply: An Analysis of Crisis Decision  
20 Making," by the Institute of Medicine, a distinguished panel of  
21 scientific and medical professionals which was chartered by the  
22 National Academy of Sciences.

23 The purpose of this bill is to provide an opportunity for victims to  
24 litigate their claims without regard to outmoded concepts of the  
25 statute of limitations. Providing a one-year "window" during which  
26 actions may be filed permits victims to pursue their causes of action  
27 without the necessity of litigating the statute of limitations in each  
28 individual case.

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Revives certain civil actions barred by the statute of limitations.