

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 433

STATE OF NEW JERSEY

ADOPTED MARCH 7, 1996

Sponsored by Senators LYNCH and MATHEUSSEN

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  
33 the contracting of HIV and AIDS among blood product recipients. It  
34 is simply the intent of the Legislature to allow these particular victims

1 "their day in court" in light of the unique and extraordinary  
2 circumstances of their plight.

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

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

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

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17 3. This act shall take effect immediately.

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22 Clarifies accrual of cause of action in certain suits by blood product  
23 recipients.