

# HOUSE BILL 922

P1, D3

4lr2498  
CF SB 680

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By: **The Speaker (By Request – Office of the Attorney General)**

Introduced and read first time: February 2, 2024

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Public Welfare Actions – Determinations and Settlements**

3 FOR the purpose of requiring the factfinder in a public welfare action to make a certain  
4 determination and assign responsibility and liability in a certain manner;  
5 authorizing the State to continue to pursue certain actions if it does not obtain  
6 complete relief from certain responsible persons; establishing that certain provisions  
7 of law requiring uniform contribution among joint tort-feasors do not apply to public  
8 welfare claims; establishing the impact of a certain settlement on the liability of  
9 certain responsible persons; and generally relating to determinations and  
10 settlements of public welfare actions.

11 BY adding to

12 Article – Courts and Judicial Proceedings  
13 Section 3–1401.1  
14 Annotated Code of Maryland  
15 (2020 Replacement Volume and 2023 Supplement)

16 BY adding to

17 Article – State Government  
18 Section 6–106.2  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2023 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That the Laws of Maryland read as follows:

23 **Article – Courts and Judicial Proceedings**

24 **3–1401.1.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





1 (C) IF THE STATE HAS NOT OBTAINED COMPLETE RELIEF FROM A  
2 RESPONSIBLE PERSON WHO HAS RESOLVED THE PERSON'S LIABILITY TO THE STATE  
3 IN A SETTLEMENT FOR A PUBLIC WELFARE CLAIM, THE STATE MAY:

4 (1) CONTINUE TO PURSUE AN ONGOING PUBLIC WELFARE ACTION  
5 AGAINST ANY OTHER RESPONSIBLE PERSON WHO HAS NOT RESOLVED THE  
6 PERSON'S LIABILITY TO THE STATE FOR THE PUBLIC WELFARE CLAIM THAT IS THE  
7 SUBJECT OF THE PUBLIC WELFARE ACTION; OR

8 (2) BRING A NEW PUBLIC WELFARE ACTION AGAINST ANY OTHER  
9 RESPONSIBLE PERSON WHO HAS NOT RESOLVED THE PERSON'S LIABILITY TO THE  
10 STATE FOR THE PUBLIC WELFARE CLAIM THAT IS THE SUBJECT OF THE PUBLIC  
11 WELFARE ACTION.

12 (D) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW:

13 (1) THE MARYLAND UNIFORM CONTRIBUTION AMONG JOINT  
14 TORT-FEASORS ACT UNDER TITLE 3, SUBTITLE 14 OF THE COURTS ARTICLE DOES  
15 NOT APPLY TO PUBLIC WELFARE CLAIMS;

16 (2) IF A RESPONSIBLE PERSON RESOLVES THE PERSON'S LIABILITY  
17 TO THE STATE IN A SETTLEMENT OF A PUBLIC WELFARE CLAIM, THE PERSON MAY  
18 NOT BE LIABLE FOR CLAIMS FOR NONCONTRACTUAL CONTRIBUTION OR INDEMNITY  
19 REGARDING ANY MATTER OR CLAIM ADDRESSED IN THE SETTLEMENT, INCLUDING  
20 ANY STATUTORY OR COMMON LAW CLAIM; AND

21 (3) A SETTLEMENT OF A PUBLIC WELFARE CLAIM THAT RESOLVES  
22 THE LIABILITY OF A RESPONSIBLE PERSON:

23 (I) DOES NOT RELEASE FROM LIABILITY ANY OTHER  
24 RESPONSIBLE PERSON EXCEPT AS SPECIFICALLY PROVIDED IN THE TERMS OF THE  
25 SETTLEMENT; BUT

26 (II) REDUCES THE POTENTIAL LIABILITY OF ALL OTHER  
27 RESPONSIBLE PERSONS LIABLE IN WHOLE OR IN PART FOR THE PUBLIC WELFARE  
28 CLAIM THAT IS THE SUBJECT OF THE SETTLEMENT BY THE SETTLING PERSON'S  
29 PROPORTIONATE SHARE OF LIABILITY FOR ALL SETTLED PUBLIC WELFARE CLAIMS,  
30 INCLUDING ALL STATUTORY AND COMMON LAW CLAIMS.

31 (E) THIS SECTION MAY NOT BE CONSTRUED TO:

32 (1) IMPAIR ANY EXPRESS CONTRACTUAL RIGHTS; OR

1                   **(2) GRANT AUTHORITY TO THE STATE OR THE ATTORNEY GENERAL**  
2 **TO BRING ACTIONS OR CLAIMS NOT OTHERWISE AUTHORIZED BY LAW.**

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
4 apply only prospectively and may not be applied or interpreted to have any effect on or  
5 application to any settlement of a public welfare action finalized before the effective date of  
6 this Act.

7                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2024.