454.455 Proof required for damages against tobacco growers and warehousemen -- Costs that may be awarded to prevailing defendant.

(1) In a civil action against a tobacco grower for damages alleged to have occurred as a result of use or consumption of tobacco products, in order for liability to be found against a tobacco grower, the plaintiff shall prove by clear and convincing evidence that the tobacco that caused the alleged damage was planted, cultivated, and harvested by that specific tobacco grower and not by any other person.

(2) In a civil action against a warehouseman for damages alleged to have occurred as a result of use or consumption of tobacco products, in order for liability to be found against a warehouseman, the plaintiff shall prove by clear and convincing evidence that the tobacco that caused the alleged damage was sold by that specific warehouseman and not by any other person.

(3) If a suit against a tobacco grower or a warehouseman is dismissed or the defendant prevails at trial, the defendant may be entitled to three (3) times the entire costs of defending the action, including but not limited to legal fees, expert witnesses, and other expenses arising from the defense of the action.

Effective: April 7, 1998

History: Created 1998 Ky. Acts ch. 422, sec. 3, effective April 7, 1998.