manufacturer, and notwithstanding any otherwise applicable statute of limitations, may implead a biomaterials supplier who has been dismissed from the action pursuant to this chapter if—

(1) the manufacturer has made an assertion, either in a motion or other pleading filed with the court or in an opening or closing statement at trial, or as part of a claim for contribution or indemnification, and the court finds based on the court's independent review of the evidence contained in the record of the action, that under applicable law—

(A) the negligence or intentionally tortious conduct of the dismissed supplier was an actual and proximate cause of the harm to the claimant; and

(B) the manufacturer's liability for damages should be reduced in whole or in part because of such negligence or intentionally tortious conduct; or

(2) the claimant has moved to implead the supplier and the court finds, based on the court's independent review of the evidence contained in the record of the action, that under applicable law—

(A) the negligence or intentionally tortious conduct of the dismissed supplier was an actual and proximate cause of the harm to the claimant; and

(B) the claimant is unlikely to be able to recover the full amount of its damages from the remaining defendants.

(b) Standard of liability

Notwithstanding any preliminary finding under subsection (a), a biomaterials supplier who has been impleaded into an action covered by this chapter, as provided for in this section—

(1) may, prior to entry of judgment on the claim against it, supplement the record of the proceeding that was developed prior to the grant of the motion for impleader under subsection (a); and

(2) may be found liable to a manufacturer or a claimant only to the extent required and permitted by any applicable State or Federal law other than this chapter.

(c) Discovery

Nothing in this section shall give a claimant or any other party the right to obtain discovery from a biomaterials supplier at any time prior to grant of a motion for impleader beyond that allowed under section 1605 of this title.

(Pub. L. 105–230, §7, Aug. 13, 1998, 112 Stat. 1528.)

EFFECTIVE DATE

Section applicable to all civil actions covered under this chapter commenced on or after Aug. 13, 1998, including any in which the harm or harmful conduct occurred before such date, see section 8 of Pub. L. 105–230, set out as a note under section 1601 of this title.

CHAPTER 22—NATIONAL DRUG CONTROL POLICY

Sec.

1701. Definitions.
1702. Office of National Drug Control Policy.
1703. Appointment and duties of Director and Deputy Directors.
1704. Coordination with National Drug Control Program agencies in demand reduction, supply reduction, and State and local affairs.
1705. Development, submission, implementation, and assessment of National Drug Control Strategy.
1706. High Intensity Drug Trafficking Areas Program.
1707. Counter-Drug Technology Assessment Center.
1708. National youth anti-drug media campaign.
1708a. Annual report requirement.
1709. Repealed.
1710. Drug Interdiction Coordinator and Committee.
1710a. Requirement for disclosure of Federal sponsorship of all Federal advertising or other communication materials.
1711. Authorization of appropriations.
1712. Termination of Office of National Drug Control Policy.
1713. Authorization of use of environmentally-approved herbicides to eliminate illicit narcotics crops.
1714. Awards for demonstration programs by local partnerships to coerce abstinence in chronic hard-drug users under community supervision through the use of drug testing and sanctions.

§ 1701. Definitions

In this chapter:

(1) Demand reduction

The term ''demand reduction'' means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the use of drugs, including—

(A) drug abuse education;

(B) drug abuse prevention;

(C) drug abuse treatment;

(D) drug abuse research;

(E) drug abuse rehabilitation;

(F) drug-free workplace programs;

(G) drug testing, including the testing of employees;

(H) interventions for drug abuse and dependence;

(I) international drug control coordination and cooperation with respect to activities described in this paragraph; and

(J) international drug abuse education, prevention, treatment, research, rehabilitation activities, and interventions for drug abuse and dependence.

(2) Director

The term ''Director'' means the Director of National Drug Control Policy.

(3) Drug

The term ''drug'' has the meaning given the term ''controlled substance'' in section 802(6) of this title.

(4) Drug control

The term ''drug control'' means any activity conducted by a National Drug Control Program agency involving supply reduction or demand reduction.

(5) Fund

The term ''Fund'' means the fund established under section 1702(d) of this title.