

HOUSE No. 3458

The Commonwealth of Massachusetts

PRESENTED BY:

Aaron Vega, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act allowing for unknown source of or severe illness and continuing offense to toll the statute of limitations and requiring greater attention to scientific reasoning.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kristin Beatty</i>		<i>1/15/2019</i>

HOUSE No. 3458

By Mr. Vega of Holyoke (by request), a petition (accompanied by bill, House, No. 3458) of Kristin Beatty relative to the statute of limitations for certain minors and incapacitated persons. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act allowing for unknown source of or severe illness and continuing offense to toll the statute of limitations and requiring greater attention to scientific reasoning.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Section 7 of the Chapter 260 of the General Laws Part III Title V is hereby
2 amended by striking out the first sentence and inserting thereof in place the following:-

3 If the person entitled thereto is a minor, or is incapacitated by reason of mental illness or
4 severe illness when a right to bring an action first accrues, the action may be commenced within
5 the time hereinbefore limited after the disability is removed. If a person vacillates between
6 severe illness and bouts of improved health, bouts of ill health shall be generously subtracted in
7 assessing the time allowed for bringing forward a cause of action. When a person lacks proof
8 that an illness or detrimental symptoms have an environmental cause, the statute of limitations
9 shall be tolled until such time as the person is provided with sufficient evidence.

10 When the cause of action continues to exist to the detriment of the person’s civil rights,
11 the statute of limitations shall be tolled until such time as the cause of action ceases.

12 Section 2. Section 5A of Chapter 260 of the General Laws Part III Title V is hereby
13 amended by inserting after the last paragraph the following paragraph:-

14 However, any cause of action for which the action continues to cause additional harm and
15 offend shall toll the statute of limitations.

16 Section 3. Section 1 of Chapter 251 of the General Laws Part III Title IV is hereby
17 amended by inserting after the last paragraph the following paragraph:-

18 Grounds for denying a written agreement to submit to arbitration include but are not
19 limited to (a) hinging acceptance of the contract upon provision of employment, an essential
20 service, an essential product, or a utility unavailable through other means; (b) contracts of
21 adhesion presented to a party in a weaker position without the option of negotiation; (c)
22 violations of civil rights protections and the rights afforded by the Constitution of the
23 Commonwealth of Massachusetts.

24 Section 4. Chapter 233 of the General Laws Part III Title II is hereby amended by adding
25 the following section:-

26 SECTION 3B. Scientific and Medical Evidence

27 When a scientific or medical expert provides testimony, the expert shall be required to
28 inform the court of the payment provided, his or her work providing relevant court testimony on
29 the subject, and whether such testimony constitutes a full- or part-time job, and if so, for how
30 long.

31 The credibility of expertise provided shall be examined carefully to determine whether
32 research and consensus is simply manufactured by corrupt or financially interested parties.

33 Experts referencing scientific evidence shall clarify how much and whether evidence is
34 sociological, psychological, epidemiological, or laboratory-based, and provide full and clear
35 scientific citations of research studies, rather than references to fact sheets, opinions, letters.

36 Scientific reasoning shall be carefully evaluated in determining the credibility of the
37 statements of expert witnesses. Physical evidence of serious risks, such as concrete laboratory
38 findings, cannot be dismissed by the manufacture or presentation of studies which have found
39 nothing as the latter may simply be designed incorrectly or failed to look at the finding. A
40 statistical pattern of risks and laboratory evidence of risk, even if not always in effect, shall be
41 given weight also given that scientific findings may findings of effects may be specific to an
42 unknown element.

43 Even when scientific evidence is still young, reasonable grounds for concern may exist
44 justifying charges of negligence. Serious risks to lives and liberties as indicated scientific or
45 medical evidence, as well as common sense, shall be accorded respect and care.

46 In the case of psychological trauma, when circumstances make the trauma or stress
47 apparent to anyone with common sense, the testimony of a psychologist as an expert witness to
48 provide evidence and explanation of trauma or stress shall not be required as evidence.