§ 12-104. Recovery by persons other than illegal drug users. 1. One or more of the following persons may bring an action for and recover damages caused by use of an illegal drug by an individual:

(a) A parent, legal guardian, child, or spouse of an individual drug user;

(b) An employer of an individual drug user; and

(c) A medical facility, insurer, governmental entity, employer, or other entity that funds a drug treatment program or employee assistance program for the individual drug user.

2. A person entitled to bring an action pursuant to subdivision one of this section may be awarded damages from a person who knowingly participated in the chain of distribution of an illegal drug actually used by the individual drug user.

3. A person knowingly participates in a drug market if:

(a) the place of the illegal drug use by the individual drug user is within a drug market target community of the defendant;

(b) the participation of the defendant in such drug market was connected with the same type of illegal drug used by the individual user; and

(c) the defendant participated in such drug market at any time during the illegal drug use by the individual user.

4. A person entitled to bring an action under this section may recover the following damages:

(a) Economic damages including, but not limited to, the cost of treatment and rehabilitation, medical expenses, loss of economic potential, loss of productivity, and support expenses;

(b) Non-economic damages, including, but not limited to, physical and emotional pain and suffering, disfigurement, loss of companionship and consortium;

(c) Reasonable attorney fees;

(d) Reasonable expert consultant and expert witness fees; and

(e) Costs and disbursements as provided for in the civil practice law and rules.