AMERICAN LAW REPORTS

# A.L.R.7th

VOLUME 75

2022

THOMSON REUTERS®

*For Customer Assistance Call 1-800-328-4880*

Mat #42813387

*Publisher*
Katherine E. Freije, J.D.

*Publication Editor*
Oliver G. Hahn, J.D.

*Legal Editors*
Richard J. Arneson, J.D.
Dorothy M. Gause, J.D., M.A.
Justin M. Rhodes, J.D.
Lora C. Thody, J.D.

# Guide to Using A.L.R.7th

The seventh series of American Law Reports (A.L.R.7th) continues the long A.L.R. tradition of providing focused, balanced research on a wide variety of topics.

A.L.R.7th does not replace A.L.R.6th but, rather, succeeds A.L.R.6th as the latest addition to the A.L.R. series, which presently includes A.L.R. Fed., A.L.R. Fed. 2d, A.L.R. Fed. 3d, A.L.R., A.L.R.2d, A.L.R.3d, A.L.R.4th, A.L.R.5th, A.L.R.6th, and A.L.R. International. For more information, please visit *http://legalsolutions.thomsonreuters.com.*

**The Best of the Old . . .**

To A.L.R.6th users, A.L.R.7th will look familiar. Each article includes thorough case law coverage of the topic, analyzed and organized to make the most of your valuable research time.

Each article contains its own jurisdictional Table of Cases, making it easy to find cases from your jurisdiction quickly. Each article also includes Research References to help you find additional material relevant to the topic, including analytical and forms references, West's Topic and Key Numbers, and suggested Westlaw™ search queries.

**. . . and the Best of the New**

In addition to the same analysis and references A.L.R.6th has always offered, A.L.R.7th now has the following features:

- new media-neutral citation format
- jurisdictional headings for case summaries
- checklists of important factors
- visualizations of case law outcomes for selected articles
- fresh print look with clearer fonts and more white space for easier reading.

Another change readers may notice is that reprinted cases have been eliminated, in light of the ease of availability online. In addition, article indices have been consolidated into a single, full-volume index.

In addition to changes to the print edition, we also have made changes to the digital version on Thomson Reuters Westlaw. These changes include linked Westlaw™ queries to easily update the case law, and a linked query for finding particular research references such as encyclopedias. There is also a feedback link to an A.L.R. attorney-editor.

## How to Use A.L.R.7th

### Using an article

*Each article offers several valuable features designed to facilitate your research:*

- **Detailed Case Analysis.** Summaries of every case on point for the topic, organized by point of law or factual variable and sorted by jurisdiction for quick and easy reference.
- **Background and Summary.** A concise general overview of the topic, necessary background information, and cross-references to more detailed discussions within the body of the article.
- **Practice Pointers.** Practical information related to the topic, offering guidance on what to do and how to do it in the course of representing a client, tips on procedure, and potential pitfalls.
- **Scope Statement.** A concise statement of the subject matter included in the article, any exclusions, and any supersessions of earlier articles.
- **Jurisdictional Table of Cases and Statutes.** A list of both cases and statutes from each jurisdiction, with section references listing where they are discussed within the article.
- **Schematic Article Outline.** This article-level table of contents indicates where a particular legal concept or fact situation is treated.
- **Research References.** A list of relevant references to West Key Numbers, the A.L.R. Library including West's A.L.R. Digest, appropriate analytical and secondary law products, and a suggested Westlaw™ search query.

### Updating an article

*Once you have identified the article for your issue, you can locate the most recent on-point authority for the topic in several ways:*

- **Thomson Reuters Westlaw.** Find the most current version of an article by entering the citation in the search box or enter the article citation in the ''citation'' box on the Advanced Search Screen. Cases added since initial publication are located at the end of each section in the article. Articles are supplemented weekly on Thomson Reuters Westlaw when relevant cases are found.
- **Annual cumulative supplement.** Annual print supplements, inserted into the back of each volume, contain:
  - relevant case headnotes from decisions issued after the article was written, allocated to the appropriate section of the article and sorted by jurisdiction;
  - new sections that accommodate new and developing case law; and
  - references to later articles related to the topic.

  **Latest Case Service.** An e-mail to west.ALRLCS-Rochester@thomsonreuters.com will provide you with the cites of the relevant cases decided since the last print supplement was issued.

## A.L.R.7th on Thomson Reuters Westlaw

Thomson Reuters Westlaw provides access to the entire A.L.R. library, including A.L.R., A.L.R.2d, A.L.R.3d, A.L.R.4th, A.L.R.5th, A.L.R.6th, A.L.R.7th, A.L.R. Fed., A.L.R. Fed. 2d, A.L.R. Fed. 3d and A.L.R. International. A.L.R. can be found on Thomson Reuters Westlaw by entering ''ALR'' into the search box, and then selecting the desired A.L.R. product from the drop-down menu.

# Summary of Contents


| Article | | Page |
|---|---|---|
| 1 | ''Fairly Debatable'' and ''Substantial Relationship'' Standards in Zoning Law | 1 |
| 2 | Zoning Regulations Prohibiting or Limiting Fences, Hedges, or Walls | 123 |
| 3 | Products Liability: Necessity and Admissibility of Expert or Opinion Evidence as to Design and Manufacture of Agricultural Equipment, Chemicals, and Feed | 251 |
| 4 | Comment Note: Custodial Parent's Obligation to Pay Child Support to Noncustodial Parent | 407 |
| 5 | Unemployment Compensation Benefit Disqualification by Incarceration and the Like | 459 |
| 6 | Covid-19-Related Litigation: Moratorium on Evictions | 555 |
| 7 | Seizure and Retention of Firearm Under State ''Red Flag'' or Extreme Risk Protection Law | 595 |
| 8 | Uniform Anatomical Gift Act | 617 |

INDEX

75 A.L.R.7th Art. 1

# ''Fairly Debatable'' and ''Substantial Relationship'' Standards in Zoning Law

*George L. Blum, J.D.*

The grant or denial of a variance, as with a grant or denial of a request for a special use permit, is a discretionary act, and if it is supported by substantial evidence, there is no abuse of discretion. Thus, absent additional evidence after the zoning board's decision, the court's standard of review may be limited to determining whether the board committed a manifest abuse of discretion or error of law in granting a variance, and the court can find an abuse of discretion if the board's findings are not supported by substantial evidence. Similarly, a decision granting a zoning variance may be reviewed for abuse of discretion, errors of law, or findings not supported by substantial evidence in the record. In reviewing a trial court's decision regarding a grant of a zoning variance, the appellate courts must accept the judge's findings of fact unless they are clearly erroneous but must independently determine what decision the law requires upon the facts found. Where an error of law has been committed by the board, the court is not limited to a determination of an abuse of discretion, but the inquiry is whether the court is then required to review the record and make an independent determination. Thus, in determining whether the passage of a zoning ordinance is an arbitrary, unreasonable, and capricious exercise of police power, some jurisdictions apply the ''fairly debatable rule.'' Under this rule, the burden of proving the arbitrary or unreasonable character of a zoning ordinance is not sustained if evidence does no more than demonstrate that the issue is fairly debatable, a highly deferential standard, requiring approval of zoning actions when evidence offered in support of opposing views would lead objective and reasonable persons to reach different conclusions. This article collects and discusses cases addressing construction or application of ''fairly debatable'' and ''substantial relationship'' standards, and their intersection with each other, in zoning law.

# TABLE OF CONTENTS

## ARTICLE OUTLINE


### I. PRELIMINARY MATTERS

§ 1 Scope
§ 2 Background and summary
§ 3 Practice notes

### II. GENERAL CONSIDERATIONS

A. VALIDITY OF ZONING ORDINANCE

§ 4 Held denial of landowner's application to rezone proper
§ 5 Held failure to find ordinance invalid constitutes harmless error

B. APPLICABILITY OF "FAIRLY DEBATABLE" TEST

§ 6 Generally
§ 7 Determination of validity of legislative action
§ 8 Standard of appellate review
§ 9 Comprehensive plan—Held test applicable
§ 10 —Held test not applicable
§ 11 —Held failure to use test harmless

C. PETITION TO REZONE; GENERALLY

§ 12 Held denial of petition proper
§ 13 Held denial of petition not proper
§ 14 Held ordinance proper
§ 15 Held ordinance not proper or not established
§ 16 Held "substantial relationship" sufficiently established
§ 17 Held "fairly debatable" character sufficiently established
§ 18 Held substantial evidence failed to support decision to rezone

D. OTHER CONSIDERATIONS

§ 19 Policy application distinguished from policy setting
§ 20 Administrative decisions
§ 21 Judicial intervention in zoning decision
§ 22 Spot zoning—Held spot zoning
§ 23 —Held not spot zoning
§ 24 Reverse spot zoning

§ 25 Buffer zone
§ 26 Distinction between rational basis and substantial relationship tests

**III. ALTERNATE STANDARDS OF REVIEW AND ANALYSIS**

§ 27 Strict scrutiny analysis—Held strict scrutiny analysis proper
§ 28 —Held strict scrutiny analysis improper or not applicable
§ 29 Change or mistake standard
§ 30 Erroneous principle rule
§ 31 Beneficial to public interest standard

**IV. TYPES OF PROPERTY SUBJECT TO ZONING REGULATION**

A. RESIDENTIAL DWELLING-RELATED

§ 32 Residential zoning; Generally—Held ordinance reasonable or valid
§ 33 —Held ordinance not reasonable or not valid
§ 34 Imposition of single-family or residential classification—Held ordinance reasonable or valid
§ 35 —Held ordinance not reasonable or not valid
§ 36 Single-family residence to townhouse or duplex classification—Held ordinance reasonable or valid
§ 37 —Held ordinance not reasonable or not valid
§ 38 Expansion of single-family residential usage
§ 39 Maximum number of dwelling units
§ 40 Minimum lot acreage zoning ordinance
§ 41 Apartment complex authorization
§ 42 Planned unit development
§ 43 Comprehensive zoning ordinance—Held plan valid
§ 44 —Held issue of fact as to whether plan or ordinance proper
§ 45 Second story on nonconforming residential garage
§ 46 Multiple family apartments

B. MODIFICATIONS OF TYPE OF DWELLINGS PERMITTED

§ 47 Industrial to residential
§ 48 Residential to commercial or apartment use; Generally—Held entitled to rezoning
§ 49 —Held not entitled to rezoning
§ 50 —Held ordinance not valid

§ 51 Residential to hotel uses
§ 52 Residential to agricultural—Held rezoning proper, or such finding supportable
§ 53 —Held rezoning not proper
§ 54 Rural-residential to multiple family
§ 55 Forest and range land to rural
§ 56 Buffer business district to neighborhood business district
§ 57 Local commercial to general commercial
§ 58 "Light" industrial to "business major" classification
§ 59 Agricultural to commercial
§ 60 Agricultural to planned unit development
§ 61 "Institutional" to "business"
§ 62 Operation of drug store to retail package food store
§ 63 Apartment building to office building
§ 64 Multifamily residential to single- and two-family residential—Held ordinance proper, or such finding supportable
§ 65 —Held ordinance not proper
§ 66 Change to more liberal residential use—Held change proper, or such finding supportable
§ 67 —Held change not proper

C. OTHER TYPES OF PROPERTY

§ 68 Use of parcel as shopping center—Held ordinance, or rule regarding zoning as such, proper or supportable
§ 69 —Held ordinance, or rule regarding zoning as such, not proper or supportable
§ 70 Gasoline station construction—Held ordinance valid, or such finding supportable
§ 71 —Held ordinance not valid
§ 72 Construction of solid-waste facility
§ 73 Construction of professional offices—Held ordinance valid, or such finding supportable
§ 74 —Held ordinance not valid
§ 75 Maritime construction permit
§ 76 Travel trailer park, and the like—Held ordinance valid, or such finding supportable
§ 77 —Held not valid, or not allowed
§ 78 Wireless communication tower, and the like—Held variance allowing tower proper, or such finding supportable
§ 79 —Held variance allowing tower not proper, or petition for such properly denied
§ 80 Fence installation
§ 81 Cul-de-sac
§ 82 Road expansion right-of-way

§ 83 Relocation of hospital
§ 84 Neighborhood business zone—Held ordinance proper or valid
§ 85 —Held ordinance not proper or valid
§ 86 Religious-based building
§ 87 Hotel or motel construction
§ 88 Airport zoning

## V. CONSTITUTIONAL AND PROCEDURAL MATTERS

§ 89 Constitutionality of zoning ordinance—Generally
§ 90 —Due process
§ 91 Constitutionality of classification of property as residential
§ 92 Burden of proof that zoning ordinance unconstitutional
§ 93 Equitable estoppel

## VI. TYPES OF ACTIVITIES AT ISSUE

§ 94 Employment of nonresidents
§ 95 Storage of sewage materials
§ 96 Noise regulation
§ 97 Sanitary landfill—Held ordinance valid, or such finding supportable
§ 98 —Held ordinance not valid
§ 99 Liquor sales
§ 100 Growing vegetables in front yard
§ 101 Junk yard operations
§ 102 Adult business
§ 103 Advertising use
§ 104 Parking-related ordinance—Held ordinance valid, or such finding supportable
§ 105 —Held ordinance not valid
§ 106 Vessel live-aboard ordinance

## VII. AMENDMENTS, RECLASSIFICATIONS, AND VARIANCE REQUESTS

§ 107 Zoning amendment
§ 108 Reclassification requirements
§ 109 Request for variance—Generally
§ 110 —Application of fairly debatable standard
§ 111 —Set-back variance
§ 112 —Conditional use permit—Held variance allowed or proper
§ 113 — —Held variance not allowed or not proper
§ 114 Retrospective application of zoning law modification

## VIII. OTHER CONSIDERATIONS

§ 115 Propriety of jury instruction
§ 116 Boundary line
§ 117 Floating zone
§ 118 Adequacy of facilities for rezoned neighborhood
§ 119 Propriety of remand
§ 120 Downzoning ordinance
§ 121 Error in draftsmanship in zoning ordinance
§ 122 "Contiguous" properties
**Research References**
**Table of Cases, Laws, and Rules**

## I. PRELIMINARY MATTERS

### § 1 Scope

On appeal from a trial court's review of a zoning board's decision to grant or deny a variance, an appellate court determines whether the trial court correctly concluded that the board's act was not arbitrary, illegal, or abuse of discretion. In reviewing a trial court's decision regarding a grant of a zoning variance, the appellate courts must accept the judge's findings of fact unless they are clearly erroneous but must independently determine what decision the law requires upon the facts found. Moreover, a reviewing court will not supervise the discretion of a zoning board or substitute its judgment for that of the board. However, where an error of law has been committed by the board, the court is not limited to a determination of an abuse of discretion, but the inquiry is whether the court is then required to review the record and make an independent determination. Thus, in determining whether the passage of a zoning ordinance is an arbitrary, unreasonable, and capricious exercise of the police power, some jurisdictions apply the ''fairly debatable rule.'' Under this rule, the burden of proving the arbitrary or unreasonable character of a zoning ordinance is not sustained if the evidence does no more than demonstrate that the issue is fairly debatable. The fairly debatable standard of review is a highly deferential standard, requiring the approval of a zoning action when evidence offered in support of opposing views would lead objective and reasonable persons to reach different conclusions. This article collects and discusses the cases that have addressed the construction or application of ''fairly debatable'' and ''substantial relationship'' standards, and their intersection with each other, in zoning law.

★NOTE: Some opinions discussed in this article may be restricted by court rule as to publication and citation in briefs; readers are cautioned to

75 A.L.R.7th Art. 2

# Zoning Regulations Prohibiting or Limiting Fences, Hedges, or Walls

*Jay M. Zitter, J.D.*

Zoning ordinances often provide detailed regulations as to fences, walls, and hedges, as part of the comprehensive regulation of residential and commercial buildings and structures. Ordinances may require enclosures, such as for animals or for junkyards and the like, while in residential areas the location, type, and height of hedges, fences, and outdoor walls may be severely restricted. On the other hand, homeowners often try to build high fences out to the property line so as to maximize protected space and privacy. The following article considers the validity, construction, and effect of zoning regulations restricting fences, hedges, or walls, as well as the propriety of particular claims for relief from such limitations such as variances and nonconforming uses.

# TABLE OF CONTENTS

## ARTICLE OUTLINE


### I. PRELIMINARY MATTERS

§ 1 Scope
§ 2 Background and summary
§ 3 Practice notes

### II. VALIDITY OF ORDINANCES, OR ENFORCEMENT THEREOF, AS AGAINST PARTICULAR CLAIMS

§ 4 Police power, general reasonableness, and the like—Held valid
§ 5 —Held invalid
§ 6 Due process—In general—Held valid
§ 7 —Vagueness—Held valid
§ 8 — —Held invalid
§ 9 Regulatory taking—Held valid
§ 10 —Held invalid
§ 11 Equal protection—Held valid
§ 12 Effect of statute—Authorization—Held valid
§ 13 — —Held invalid
§ 14 —Pre-emption—Ordinance held valid
§ 15 — —Ordinance held invalid
§ 16 Contract zoning—Held valid

### III. PARTICULAR ENCLOSURES AS WITHIN COVERAGE

A. AS CONSTITUTING FENCE, WALL, OR HEDGE

§ 17 Tennis enclosure, backstops, and sidestops—Held not to constitute fence
§ 18 Trees and other plantings—Held to constitute hedge
§ 19 —Held not to constitute hedge
§ 20 —Held not to constitute fence or wall
§ 21 Sand berm, dirt structure, and the like—Held to constitute fence, hedge, or wall
§ 22 —Held not to constitute fence, hedge, or wall
§ 23 Breakwall, retaining wall, and the like—Held not to constitute fence
§ 24 Decorative structure—Held to constitute fence

§ 25 —Held not to constitute fence

B. AS BEING SPECIFIC TYPE OF FENCE, WALL, OR HEDGE

§ 26 Agricultural fence—Held not covered
§ 27 Two wire fence—Chain link fence held not covered
§ 28 Solid or opaque fence—Fence held covered
§ 29 Picket fence—Fence held covered
§ 30 Chain link or woven wire fence—Tarps added—Held covered
§ 31 Retaining wall—Held not covered
§ 32 Perimeter wall or fence—Wall with some retention function—Held covered
§ 33 Sports and recreational activities fence—As not including playground

C. AS WITHIN SCOPE OF OTHER OBJECTS OR CONSTRUCTIONS

§ 34 Building, structure, and the like—In general—Fence held covered
§ 35 — —Fence held not covered
§ 36 —Sand fence—Held covered
§ 37 Landscaping—Retaining wall held included

D. EFFECT OF LOCATION OF FENCE

§ 38 On roof—Held not included
§ 39 Restriction in front yard or line—Fence held included
§ 40 —Fence held not included
§ 41 Restriction in rear and side yard—Violation not found
§ 42 Barring fences forward of primary setback—As not precluding fence forward of primary setback line
§ 43 Barring fences outside property lines—Held not violated
§ 44 Restrictions assertedly applicable only when barriers located on property line—Rejected
§ 45 Restricting height abutting golf course—Applicable although fence on owner's property

E. COMPUTATION OF HEIGHT LIMITATIONS

§ 46 In general—Restriction held not violated
§ 47 Fence, wall, or hedge atop mound, raised grade, retaining wall, or the like—Restriction held violated
§ 48 —Restriction held not violated

F. OTHER ISSUES AND CONSIDERATIONS

§ 49 Safety considerations in granting permit—Sport field fence—Held not to violate ordinance

## IV. GROUNDS FOR RELIEF FROM RESTRICTIONS

§ 50 Variance or special exception—Application upheld
§ 51 —Application rejected
§ 52 Nonconforming use—Maintenance recognized
§ 53 —Maintenance not recognized
§ 54 Estoppel, waiver, laches, and the like—Held established
§ 55 —Held not established
§ 56 Existence of adequate remedy at law—Not proven
§ 57 Interests of justice—Claim rejected
§ 58 Limitations—Enforcement held not barred
**Research References**
**Table of Cases, Laws, and Rules**

## I. PRELIMINARY MATTERS

### § 1 Scope

This article[1] collects and discusses the state and federal cases wherein the courts have passed upon the validity,[2] construction, or application[3] of zoning regulations prohibiting or limiting fences,[4] hedges, or walls.

★NOTE: Some opinions discussed in this article may be restricted by court rule as to publication and citation in briefs; readers are cautioned to check each case for restrictions. A number of jurisdictions may have rules, regulations, constitutional provisions, or legislative enactments directly

**1.** The present annotation supersedes the one at Zoning regulations prohibiting or limiting fences, hedges, or walls, 1 A.L.R.4th 373.

**2.** The scope of the article does not extend to cases considering whether fence, wall, and hedge restrictions violated the Americans with Disabilities Act and similar legislation.

**3.** The scope of the article extends beyond consideration of whether the ordinance permitted a particular hedge, fence, or wall to a discussion of potential claims for relief where a permit was denied by local officials, such as variances, nonconforming use, and estoppel.

**4.** As to a collection of cases involving spite fences, see Spite fences and other spite structures, 133 A.L.R. 691.

75 A.L.R.7th Art. 3

# Products Liability: Necessity and Admissibility of Expert or Opinion Evidence as to Design and Manufacture of Agricultural Equipment, Chemicals, and Feed

*Ann K. Wooster, J.D.*

In products liability actions involving agricultural equipment, chemicals, and feed, expert or opinion evidence as to design and manufacture, including claimant allegations, may be necessary to support claims against the manufacturers. Expert evidence regarding the design and manufacture of agricultural equipment, chemicals, and feed is required only when the subject presented is so distinctly related to some science, profession, business, or occupation as to be beyond the ken of the average layperson. The trial judge has an obligation to screen all scientific evidence for both relevance and reliability, and this general gatekeeping obligation applies to testimony based on technical and other specialized knowledge. Expert testimony regarding the design and manufacture of agricultural equipment, chemicals, and feed may be admissible if the witness is qualified due to specialized knowledge and the evidence is relevant, grounded on reliable data, and helpful to the jury. If a witness is not testifying as an expert, admissible evidence in the form of lay opinions may be limited to those that are rationally based on the perception of the witness, helpful to a clear understanding of the testimony or determination of a fact in issue, and not based on specialized knowledge. This article collects and analyzes the state and federal products liability cases determining whether expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed is necessary and admissible.

# TABLE OF CONTENTS

## ARTICLE OUTLINE


### I. PRELIMINARY MATTERS

§ 1 Scope
§ 2 Background and summary
§ 3 Practice notes

### II. NECESSITY AND ADMISSIBILITY OF EXPERT OR OPINION EVIDENCE AS TO DESIGN AND MANUFACTURE OF AGRICULTURAL EQUIPMENT, CHEMICALS, AND FEED

A. EXPERT EVIDENCE NECESSITY

1. Generally

a. Design

§ 4 In general—Necessary
§ 5 —Unnecessary
§ 6 Safer alternative design—Necessary
§ 7 —Unnecessary
§ 8 Deviation from specifications—Necessary
§ 9 —Unnecessary

b. Manufacture

§ 10 In general—Necessary
§ 11 —Unnecessary
§ 12 Safer alternative design
§ 13 Deviation from specifications

2. Agricultural Equipment

§ 14 Tractor
§ 15 Combine

3. Agricultural Chemicals

§ 16 Herbicide

## B. EXPERT EVIDENCE ADMISSIBILITY

### 1. Generally

§ 17 Testimony—Admissible
§ 18 —Inadmissible
§ 19 Reliability—Admissible
§ 20 —Inadmissible
§ 21 Relevance—Admissible
§ 22 —Inadmissible

### 2. Witnesses

#### a. Specialized Knowledge

§ 23 Presence—Qualified
§ 24 —Unqualified
§ 25 Absence—Qualified
§ 26 —Unqualified

#### b. Particular Witnesses

§ 27 Engineer

## C. OPINION EVIDENCE NECESSITY

### 1. Generally

#### a. Design

§ 28 In general—Necessary
§ 29 —Unnecessary
§ 30 Safer alternative design—Necessary
§ 31 —Unnecessary
§ 32 Deviation from specifications

#### b. Manufacture

§ 33 In general—Necessary
§ 34 —Unnecessary
§ 35 Safer alternative design
§ 36 Deviation from specifications

### 2. Agricultural Chemicals

§ 37 In general

§ 38 Herbicide—Necessary
§ 39 —Unnecessary
§ 40 Pesticide

D. OPINION EVIDENCE ADMISSIBILITY

1. Generally

§ 41 Similar incidents—Admissible
§ 42 —Inadmissible

2. Agricultural Equipment

§ 43 Tractor
§ 44 Corn picker

3. Agricultural Chemicals

§ 45 Herbicide

**III. NECESSITY AND ADMISSIBILITY OF EXPERT OR OPINION EVIDENCE AS TO DESIGN AND MANUFACTURE OF AGRICULTURAL EQUIPMENT, CHEMICALS, AND FEED IN PARTICULAR CIRCUMSTANCES**

A. EXPERT EVIDENCE NECESSITY

1. Generally

a. Design

§ 46 In general—Necessary
§ 47 —Unnecessary
§ 48 Safer alternative design—Necessary
§ 49 —Unnecessary
§ 50 Deviation from specifications—Necessary
§ 51 —Unnecessary

b. Manufacture

§ 52 In general—Necessary
§ 53 —Unnecessary
§ 54 Safer alternative design
§ 55 Deviation from specifications

### 2. Agricultural Equipment

§ 56 Dairy equipment
§ 57 Grain elevator
§ 58 Tractor—Necessary
§ 59 —Unnecessary
§ 60 Corn picker
§ 61 Combine
§ 62 Animal cage racks
§ 63 Commercial mower
§ 64 Stump cutter
§ 65 Wood chipper

### 3. Agricultural Chemicals

§ 66 Herbicide—Necessary
§ 67 —Unnecessary

### 4. Agricultural Feed

§ 68 Straw bale

## B. EXPERT EVIDENCE ADMISSIBILITY

### 1. Witnesses

#### a. Specialized Knowledge

§ 69 Presence
§ 70 Absence—Qualified
§ 71 —Unqualified

#### b. Particular Witnesses

§ 72 Agricultural engineer
§ 73 Horticulturist
§ 74 Veterinarian
§ 75 Dairy nutritionist
§ 76 Mechanical engineer—Qualified
§ 77 —Unqualified
§ 78 Biomechanical engineer
§ 79 Civil engineer—Qualified
§ 80 —Unqualified
§ 81 Metallurgical engineer

2. Agricultural Equipment

§ 82 Grain storage—Admissible
§ 83 —Inadmissible
§ 84 Tractor—Admissible
§ 85 —Inadmissible
§ 86 Combine—Admissible
§ 87 —Inadmissible
§ 88 Cotton picker
§ 89 Hay baler—Admissible
§ 90 —Inadmissible
§ 91 Soybean conveyor
§ 92 Horse trailer
§ 93 Chicken coop
§ 94 Commercial mower
§ 95 Stump cutter—Admissible
§ 96 —Inadmissible
§ 97 Hydroseeder
§ 98 Hydraulic sprayer

3. Agricultural Chemicals

a. Generally

§ 99 Herbicide
§ 100 Fungicide

b. Chemical Products

§ 101 Polyethylene bag

4. Agricultural Feed

§ 102 Cattle feed—Admissible
§ 103 —Inadmissible

C. OPINION EVIDENCE NECESSITY

1. Generally

a. Design

§ 104 In general—Necessary
§ 105 —Unnecessary
§ 106 Safer alternative design—Necessary

§ 107 —Unnecessary
§ 108 Deviation from specifications—Necessary
§ 109 —Unnecessary

b. Manufacture

§ 110 In general—Necessary
§ 111 —Unnecessary
§ 112 Deviation from specifications—Necessary
§ 113 —Unnecessary

2. Agricultural Equipment

§ 114 Irrigation equipment
§ 115 Dairy equipment
§ 116 Tractor—Necessary
§ 117 —Unnecessary
§ 118 Fertilizer spreader
§ 119 Corn picker
§ 120 Hay baler
§ 121 Cotton packer
§ 122 Extruder
§ 123 Commercial mower

3. Agricultural Chemicals

a. Generally

§ 124 Herbicide—Necessary
§ 125 —Unnecessary
§ 126 Fungicide
§ 127 Pesticide—Necessary
§ 128 —Unnecessary
§ 129 Insecticide

b. Chemical Products

§ 130 Fertilizer
§ 131 Polyethylene bag
§ 132 Synthetic growth hormone
§ 133 Veterinary insulin
§ 134 Equine antibiotic
§ 135 Poultry vaccine

4. Agricultural Feed

§ 136 Straw bale

§ 137 Cattle feed
§ 138 Swine nutrition
§ 139 Mink feed
§ 140 Dog treat—Necessary
§ 141 —Unnecessary
§ 142 Fish feed

D. OPINION EVIDENCE ADMISSIBILITY

1. Generally

§ 143 Similar incidents—Admissible
§ 144 —Inadmissible
§ 145 Safer alternative design—Admissible
§ 146 —Inadmissible

2. Witnesses

§ 147 Employee—Admissible
§ 148 —Inadmissible

3. Agricultural Equipment

§ 149 Tractor
§ 150 Combine
§ 151 Hay baler—Admissible
§ 152 —Inadmissible

4. Agricultural Chemicals

§ 153 Herbicide
§ 154 Fungicide

5. Agricultural Feed

§ 155 Cattle feed

**Research References**

**Table of Cases, Laws, and Rules**

## I. PRELIMINARY MATTERS

### § 1 Scope

In products liability actions, expert or opinion evidence, including claim-

# Comment Note: Custodial Parent's Obligation to Pay Child Support to Noncustodial Parent

*Lisa A. Zakolski, J.D., M.A.*

As seen in Kaplan v. Kaplan, 248 Md. App. 358, 241 A.3d 960 (2020), a trial court does not abuse its discretion by obligating a father, the custodial parent, to pay monthly child support, where such support is necessary to ensure some level of parity between the parents' households. This article collects and discusses select cases that have addressed claims or litigation of custodial parents' obligations to pay child support to noncustodial parents.

# TABLE OF CONTENTS

## ARTICLE OUTLINE


### I. PRELIMINARY MATTERS

§ 1 Scope
§ 2 Background and summary
§ 3 Practice notes

### II. GENERAL PRINCIPLES

§ 4 Who is custodial parent
§ 5 Noncustodial parent only relieved of duty to pay support in rare circumstances
§ 6 Credit for payments made to child rather than parent
§ 7 Correction of clerical error

### III. PAYMENT OF CHILD SUPPORT TO NONCUSTODIAL PARENT

A. PAYMENT OF CHILD SUPPORT TO NONCUSTODIAL PARENT NOT ALLOWED

§ 8 Payment of child support to noncustodial parent not allowed by law
§ 9 Payment of child support to noncustodial parent not allowed given facts of case

B. PAYMENT OF CHILD SUPPORT TO NONCUSTODIAL PARENT ALLOWED

1. Payment Of Child Support to Noncustodial Parent Allowed Generally

§ 10 Payment of child support to noncustodial parent allowed
§ 11 Contractual agreements between parents

2. Factors in Awarding Noncustodial Parent Child Support

§ 12 Factors in awarding noncustodial parent child support—Disparate incomes of parents
§ 13 —Children accustomed to high standard of living

§ 14 —Parity between households
§ 15 —Award less than child support guideline
§ 16 —Equal or near-equal parenting time
§ 17 —Demonstrated need of noncustodial parent
§ 18 —Child support payment does not affect custodial parent's standard of living

C. ACTIONS WHERE INFORMATION INSUFFICIENT TO DECIDE CASE

§ 19 Actions in which information insufficient to decide case, generally

**Research References**

**Table of Cases, Laws, and Rules**

## I. PRELIMINARY MATTERS

### § 1 Scope

This article collects and discusses select cases that have addressed claims or litigation of custodial parents' obligations to pay child support to noncustodial parents. This includes states in which laws prohibit the award of child support to noncustodial parents, states in which such an award is permissible, and the factors to be considered when making such an award. This article does not cover the excessiveness or inadequacy of child support awards, application of child support statutes to joint-, split-, or similar shared-custody arrangements, or the right to credit toward child support for expenditures made on the child's behalf.

As to child support obligations of former same-sex partners, see Child Support Obligations of Former Same-Sex Partners, 5 A.L.R.6th 303. As to the excessiveness or adequacy of child support awards, see Excessiveness or adequacy of money awarded as child support, 27 A.L.R.4th 864. For discussion of the application of child support guidelines to joint-, split-, or similar shared-custody arrangements, see Application of child-support guidelines to cases of joint-, split-, or similar shared-custody arrangements, 57 A.L.R.5th 389. As to credit toward child support for expenditures made on the child's behalf, see Right to Credit on Child Support for Contributions to Housing Costs, Utility Bills, and Other Alleged Household Necessities Made for Child's Benefit While Child is Not Living with Obligor Parent, 123 A.L.R.5th 565.

★NOTE: Some opinions discussed in this article may be restricted by

75 A.L.R.7th Art. 5

# Unemployment Compensation Benefit Disqualification by Incarceration and the Like

*George L. Blum, J.D.*

Certain statutory and regulatory provisions are construed as disqualifying an incarcerated employee from unemployment compensation benefits only where outright imprisonment is imposed and do not apply where imprisonment was due to the claimant's inability to pay a fine. Where a fine is imposed with the imprisonment as an alternative, and it is determined that defendant-claimant is not indigent, the incarceration is valid and may be properly considered as a voluntary absence from work, disqualifying the individual from unemployment compensation benefits. An employee who, although able to pay for the support of the employee's family, nevertheless refuses to do so and instead chooses jail may be deemed to have voluntarily left employment without cause so as to be ineligible for unemployment benefits for a specified period. Then again, where an individual is arrested and forced to remain in jail pending trial because the individual cannot afford bail, unemployment benefits should not be denied where none of the three statutory grounds, voluntarily leaving employment without good cause, discharge for crimes committed in connection with employment, or misconduct connected with work, are implicated. Separation from employment due to incarceration for a criminal offense unconnected with one's employment is involuntary for the purposes of determining eligibility for unemployment compensation. This article collects and discusses the cases that have addressed potential disqualification from unemployment compensation benefits by periods of incarceration, detention, and the like.

# TABLE OF CONTENTS

## ARTICLE OUTLINE


### I. PRELIMINARY MATTERS

§ 1 Scope
§ 2 Background and summary
§ 3 Practice notes

### II. GENERAL CONSIDERATIONS

§ 4 Incarceration in jail; Generally
§ 5 Pretrial detention
§ 6 House arrest
§ 7 Inability to make bail—Held claimant entitled to benefits, or such finding supportable
§ 8 —Held claimant not entitled to benefits
§ 9 Failure to report to work; Generally

### III. INTERPRETATION OF TERMINOLOGY

§ 10 Construction of term ''during''
§ 11 Construction of term ''incarcerated''
§ 12 Leaving work ''because of conviction''
§ 13 ''Discharge for just cause''
§ 14 Deference to Employment Appeal Board's legal interpretations for purposes of adjudication whether benefits to be barred

### IV. REPORTING, NOTICE, AND HEARING REQUIREMENTS

§ 15 Failure to report to work due to incarceration without advising employer—Held claimant entitled to benefits, or such finding supportable
§ 16 —Held claimant not entitled to benefits
§ 17 Sufficiency of notice of incarceration to employer
§ 18 Failure to notify employer of inability to report for requested medical examination
§ 19 Entitlement to continuance of hearing until release from incarceration
§ 20 Entitlement to new hearing
§ 21 Propriety of notice of hearing

## V. FRAUD CONSIDERATIONS

§ 22 Fraudulent claim; Generally
§ 23 Fraudulent unemployment compensation claim based upon failure to advise employer of incarceration, or absence from work due to such
§ 24 Knowingly filing for benefits while incarcerated

## VI. LEAVING, OR ABSENCE, FROM EMPLOYMENT; AVAILABILITY FOR EMPLOYMENT

§ 25 Voluntarily leaving, or ''absence from,'' employment; Generally—Held claimant entitled to benefits, or such finding supportable
§ 26 —Held claimant not entitled to benefits
§ 27 Absence from work as ''employment misconduct,'' or misconduct short of ''willful''—Held claimant entitled to benefits, or such finding supportable
§ 28 —Held claimant not entitled to benefits
§ 29 Impact of claimant's request for leave of absence
§ 30 Availability for employment—Held claimant entitled to benefits, or such finding supportable
§ 31 —Held claimant not entitled to benefits
§ 32 —Liability of claimant for fault overpayment recoupment
§ 33 Purported commitment of employer in keeping job open for claimant

## VII. MISCONDUCT OR ''FAULT'' OF CLAIMANT

§ 34 Finding of willful misconduct—Generally—Held claimant entitled to benefits, or such finding supportable
§ 35 — —Held claimant not entitled to benefits
§ 36 —Excessive absenteeism—Held claimant entitled to benefits, or such finding supportable
§ 37 — —Held claimant not entitled to benefits
§ 38 — —Held remand necessary for further analysis of whether claimant entitled to benefits
§ 39 —Lack of knowledge of infraction
§ 40 —Matter ultimately dismissed
§ 41 —Failure to document reason for absence
§ 42 Incarceration as ''good cause'' for leaving employment

## VIII. CONSTITUTIONAL AND PROCEDURAL CONSIDERATIONS

§ 43 Appeal nunc pro tunc

§ 44 Equal protection violation
§ 45 Denial of benefits in lieu of payment of claimant's payment of fine
§ 46 Prohibition of imprisonment for debt
§ 47 Condition of probation that claimant not receive unemployment compensation benefits

IX. OTHER CONSIDERATIONS

§ 48 Impact of condition of parole
§ 49 Impact of nature of offense on benefit determination
§ 50 Purported statement that institution would not oppose claimant's application for unemployment compensation benefits
§ 51 Distinction between discharge for arrest and discharge due to absences
§ 52 Amount of money earned following incarceration as entitling claimant to benefits
§ 53 Requirement that employer provide work release conditions for claimant
§ 54 Incarceration of claimant as causing disruption of employer's business—Held disruption of employer's business occurred
§ 55 —Held disruption of employer's business did not occur
§ 56 Claimant's knowledge of outstanding warrant
§ 57 Length of time of incarceration
§ 58 Condition that claimant be accompanied by prison official when looking for employment
§ 59 Admissibility of testimony of fellow employee to establish dishonesty of claimant

**Research References**

**Table of Cases, Laws, and Rules**

## I. PRELIMINARY MATTERS

### § 1 Scope

An individual who loses a job because of absence from work as a result of the violation of law for which the individual has been convicted and sentenced to jail or prison is, where so provided by statute, ineligible for unemployment compensation benefits. Thus, in such a situation, to determine whether an unemployment compensation claimant's incarceration is a voluntary departure without good cause, precluding benefits, a violation of

75 A.L.R.7th Art. 6

# Covid-19-Related Litigation: Moratorium on Evictions

*Elizabeth O'Connor Tomlinson, J.D.*

In the wake of the economic and social disruptions brought on by the COVID-19 pandemic, some tenants received protection from eviction pursuant to temporary eviction moratoria. These measures, however, offered protection to tenants only if they lived in a city or state that had adopted such a moratorium. In the alternative, tenants could receive protection if they qualified under indirect provisions of federal law because they rented from a qualifying landlord. Indeed, the applicability of these laws often depended on the type of financing that a landlord had received for the rental property. This article collects and discusses cases stemming from the moratoria on evictions, including those decided under both state and federal law.

# TABLE OF CONTENTS

## ARTICLE OUTLINE


### I. PRELIMINARY MATTERS

§ 1 Scope
§ 2 Background and summary
§ 3 Practice notes

### II. CONSTITUTIONAL AND STATUTORY CHALLENGES AND CLAIMS BY LANDLORDS, OWNERS, AND MANAGERS OF RENTAL HOUSING UNITS

A. UNITED STATES CONSTITUTION

§ 4 Constitutional claims—Generally
§ 5 First Amendment—No violation
§ 6 Contracts Clause—Generally
§ 7 —No violation
§ 8 Takings Clause—Generally
§ 9 —No violation
§ 10 Due Process—No violation for vagueness
§ 11 —No violation for lack of access to courts

B. STATE CONSTITUTIONS

§ 12 Massachusetts—No violation
§ 13 New York—No violation

C. FEDERAL STATUTES

§ 14 Statutory authority—Statutory authority not exceeded
§ 15 —Statutory authority exceeded

### III. PROCEDURAL CONSIDERATIONS

§ 16 Standing—Standing established
§ 17 —Standing not established
§ 18 Intervention—Intervention allowed
§ 19 Mootness—Mootness not established
§ 20 —Mootness established
§ 21 Injunctive relief—Likelihood of success on merits and/or entitlement to relief established

§ 22 —Likelihood of success on merits and/or no entitlement to relief not established
§ 23 —Irreparable harm not established
§ 24 —Injunctive relief not warranted
§ 25 Declaratory judgment—Consideration proper
§ 26 Summary judgment—Consideration proper

IV. HOLDOVER AND EVICTION PROCEEDINGS

§ 27 Holdover and eviction proceedings—Proceedings barred by eviction moratorium
§ 28 —Proceedings not barred by eviction moratorium

Research References

Table of Cases, Laws, and Rules

## I. PRELIMINARY MATTERS

### § 1 Scope

During the COVID-19 pandemic, major health concerns and high rates of unemployment led to job cuts and serious nation-wide economic problems. Indeed, this catastrophic confluence of financial events and health-drive concerns made it very difficult for tenants to pay their rent, and for homeowners to pay their mortgages. As these circumstances continued during the pandemic, the federal government addressed the situation, hoping to find a way to help citizens stay in their homes. On September 4, 2020, the Centers for Disease Control and Prevention signed into order the Temporary Halt in Residential Evictions to Prevent the Spread of COVID-19. Also known as the Nationwide Eviction Moratorium, this measure was intended offer protections to tenants, who were having difficulty paying rent and faced eviction, and to homeowners, who were falling behind with their mortgages and faced foreclosure. Subsequently, states also enacted legislation providing security for tenants and homeowners. Of course, the Nationwide Eviction Moratorium and other similar state laws impacted landlords and lenders. As a result, a body of litigation developed regarding the eviction moratoria, including constitutional and statutory challenges, as well as applicability to fact-driven cases. This article focuses only on COVID-19-related litigation involving landlords and tenants, and evictions, and does not address homeowners, lenders, and mortgage foreclosures.[1]

**1.** For a discussion of COVID-19-related mortgage forbearance, see, for example, Flynn, A Look at Federal, New York, and California COVID-19-related Mortgage

# Seizure and Retention of Firearm Under State ''Red Flag'' or Extreme Risk Protection Law

*Deborah F. Buckman, J.D.*

''Red flag'' or ''extreme risk protection'' laws are a type of gun control legislation. They permit courts, pursuant to petitions filed in state court by police or others, to order the seizure of firearms in an attempt to prevent their use for suicide or harm to others. Eighteen states and the District of Columbia, as of the beginning of 2022, have some type of red flag law. The laws specify standards and procedures required for the seizure of firearms thereunder. This article collects and discusses state cases that have addressed the standards and procedures set forth by state red flag or extreme risk protection laws for the seizure and retention of firearms. For example, in Redington v. State, 121 N.E.3d 1053 (Ind. Ct. App. 2019), an Indiana court of appeals held that a gun owner whose firearms had been seized pursuant to a red flag law was entitled to their return upon proving that he was not currently ''dangerous.''

# TABLE OF CONTENTS

## ARTICLE OUTLINE


### I. PRELIMINARY MATTERS

§ 1 Scope
§ 2 Background and summary
§ 3 Practice notes

### II. APPLICATION OF RED FLAG LAWS REGARDING SEIZURE AND RETENTION OF FIREARMS

§ 4 Seizure of firearms held to be warranted
§ 5 Renewal of seizure order held to be warranted
§ 6 Possession of illegal firearms held to justify seizure
§ 7 Gun owner entitled to return of seized firearms
§ 8 Sale of seized firearms held not to preclude return of firearms purchaser identification card
§ 9 Retention of seized firearms held not warranted
§ 10 Seizure of firearms reversed where hearing not within statutory time
§ 11 Types of firearms subject to seizure and retention under red flag laws

**Research References**

**Table of Cases, Laws, and Rules**


---

### I. PRELIMINARY MATTERS

#### § 1 Scope

''Red flag'' or ''extreme risk protection'' laws are a type of gun control legislation which permit courts to order the seizure of firearms in an attempt to prevent their use for suicide or harm to others. Eighteen states and the District of Columbia currently have red flag laws. This article collects and analyzes all of the state cases discussing the standards and procedures for seizure and retention of firearms under state red flag or extreme risk protection laws. Excluded are cases discussing only constitutional challenges to these laws.

★NOTE: Some opinions discussed in this article may be restricted by court rule as to publication and citation in briefs; readers are cautioned to

# Uniform Anatomical Gift Act

*Jay M. Zitter, J.D.*

Upon death, a decedent or their surviving relatives may wish to donate certain of the decedent's organs or body parts to persons in need, for medical research, or for specific purposes. In order to regulate this practice, and in order to encourage donations in view of the critical shortage in organs needed for transplantation, the Uniform Anatomical Gift Act has been adopted by all states. The Act provides a list of which persons who are entitled to consent to the donation of the decedent's body, starting with the donor making an anatomical gift prior to death. The Act also limits the purposes for which such donations may be made, and restricts which persons or institutions may be recipients. In addition, in order not to discourage hospitals, organ donor services, and others involved in harvesting and processing the donation, the Act provides for immunity for certain good faith actions. Accordingly, the present article collects and summarizes those state and federal cases in which courts have determined the validity of, and applied, the Uniform Anatomical Gift Act.

# TABLE OF CONTENTS

## ARTICLE OUTLINE


### I. PRELIMINARY MATTERS

§ 1 Scope
§ 2 Background and summary
§ 3 Practice notes

### II. IN GENERAL

A. CONSTITUTIONALITY OF PARTICULAR PROVISIONS OF ACT, AND RELATED ISSUES

§ 4 Good faith qualified immunity provision—No violation of state provisions allowing remedies
§ 5 —Not void for vagueness
§ 6 —No equal protection violation
§ 7 —No violation of legislative power provision
§ 8 Due process—Provision allowing child's organ harvesting with only one parent's permission—No violation of property rights in child's body
§ 9 —Act as supporting right in decedent's body or tissues

B. RIGHT TO BRING SUIT

§ 10 View that Act not authorizing implied cause of action
§ 11 Closest relative with right to dispose of remains only party permitted to sue for improper treatment of remains

### III. CONSTRUCTION OF PROVISIONS, RIGHTS, AND OBLIGATIONS

A. CONSENT, SEARCH FOR NEAREST OF KIN, AND RELATED ISSUES

§ 12 Informing of opportunity to donate—Not violated although donor banks should have known of organs' unsuitability
§ 13 Challenge to assertion that decedent donated body—Challenge upheld or supportable
§ 14 Asserted non-availability of individual, allowing person lower on priority list to make donation—Claim that higher level person incompetent not permitted

§ 15 —Inability to be contacted—Claim upheld or supportable
§ 16 Telephonic recording requirement—Inadequacy of mere filling out consent form established or supportable
§ 17 Requirement of body's custodian to search for relatives before allowing donation—No requirement to search on part of noncustodial hospital, donation network, or the like

B. IMMUNITY FOR GOOD FAITH ACTIONS

1. In General

§ 18 Good faith measured by objective standard
§ 19 ''Other person'' entitled to immunity—As including procurement organization
§ 20 Coverage extends to transfer and similar actions of organ procurement organizations
§ 21 Preclusive nature of statute—View that statute provides immunity, not just defense
§ 22 —View that statute provides only defense, not immunity
§ 23 No application to claims by donee of organ
§ 24 No application to torts before decedent's death

2. Particular Actions as Covered

§ 25 Harvesting occurring despite inadequate proof of, or failure to obtain, proper consent—Immunity established or supportable
§ 26 —Immunity not established or supportable
§ 27 Harvesting of organs beyond scope of consent—Immunity established or supportable
§ 28 —Immunity not established or supportable
§ 29 Failure to preserve or insure viability of donor organs—Immunity held established or supportable

C. DONEE'S RIGHTS AND OBLIGATIONS

§ 30 Act as giving sole rights in remains of donated body to donee
§ 31 Clause authorizing hospitals to accept undesignated donations—Medical research institution not included
§ 32 Donation to ''appropriate person for research and education''—Cryogenic company held included

D. OTHER CONSTRUCTIONS OF ACT

§ 33 Donation for transplantation—As not granting spouse right to posthumous conception with decedent's sperm

§ 34 Allowing directed donation of needed organ—As not covering unsuitable organ
§ 35 Anatomical "gift"—Payment for cryogenic freezing of donee covered by Act
§ 36 Mere rejection of donation as unsuitable—Held not to violate Act
**Research References**
**Table of Cases, Laws, and Rules**

## I. PRELIMINARY MATTERS

### § 1 Scope

The Uniform Anatomical Gift Act was enacted in order to encourage and systematize the process of the donation and harvesting of a decedent's body, organs, or tissues. Accordingly, this article[1] collects and summarizes those state and federal cases in which courts have determined the validity of, and applied, the Uniform Anatomical Gift Act.[2]

★NOTE: Some opinions discussed in this article may be restricted by court rule as to publication and citation in briefs; readers are cautioned to check each case for restrictions. A number of jurisdictions may have rules, regulations, constitutional provisions, or legislative enactments directly bearing upon this subject. These provisions are discussed herein only to the extent and in the form that they are reflected in the court opinions that fall within the scope of this article. The reader is consequently advised to consult the appropriate statutory or regulatory compilations to ascertain the current status of all statutes discussed.

### § 2 Background and summary

Upon death, a decedent or their surviving relatives may wish to donate certain of the decedent's organs or body parts to persons in need, for medical research, or for specific purposes. However, human organs for transplant represent the epitome of a scarce medical resource. Every nine minutes, a

**1.** The present article supersedes the article entitled: Validity and Application of Uniform Anatomical Gift Act, 6 A.L.R.6th 365.

**2.** Excluded from the scope of this annotation are those cases which, although involving unauthorized harvesting of donor organs, base their findings solely upon particular state autopsy or organ donation statutes other than the Uniform Anatomical Gift Act or state-enacted versions of the UAGA.

# Index


**ABSENCE OR PRESENCE**
- Discharge from employment or office
  - imprisonment, unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**
  - unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**
- Imprisonment, unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**
- Insurance
  - unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**
- Unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**

**AESTHETIC CONSIDERATIONS**
- Fences
  - zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
- Zoning
  - fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
  - fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**AGRICULTURE**
- Design and manufacture of agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, products liability, **75 A.L.R. 7th Art. 3**
- Expert and opinion evidence
  - products liability
    - design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**
- Feed and fodder, design and manufacture of agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, products liability, **75 A.L.R. 7th Art. 3**
- Pesticides, design and manufacture of agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, products liability, **75 A.L.R. 7th Art. 3, § 40, 127, 128**
- Products liability
  - animal feed or medicines, **75 A.L.R. 7th Art. 3**
  - design of products and structures, necessity and admissibility of expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**
  - expert or opinion evidence
    - as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**
  - herbicides
    - design and manufacture of agri-

**AGRICULTURE—Cont'd**
Products liability—Cont'd
herbicides—Cont'd
cultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3**
tractors, **75 A.L.R. 7th Art. 3**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 53, 54, 59, 60**

**AIRPORTS**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 88**

**ANIMALS**
Animal feeding operations
products liability, necessity and admissibility of expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**
Food
products liability
design and manufacture of agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3**

**APARTMENTS AND APARTMENT HOUSES**
COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**
Moratorium on evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**

**APARTMENTS AND APARTMENT HOUSES—Cont'd**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 41, 46, 48 to 50, 63**

**APPEAL AND ERROR**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
fences, regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**AREA**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**AUTOPSIES**
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**

**BOUNDARIES**
Fences
zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Zoning
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**BUSINESS AND COMMERCE**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**

**CHEMICALS**
Agricultural equipment, products liability,
design and manufacture of agricultural equipment, chemicals,

**CHEMICALS—Cont'd**
Agricultural equipment, products liability,—Cont'd
and feed, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3**
Design and manufacture of agricultural equipment, chemicals, and feed, products liability, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3**
Expert or opinion evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3**
Products liability
expert or opinion evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**

**COMBINES**
Products liability, necessity and admissibility of expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3, § 15, 86, 87, 150**

**COMPREHENSIVE ZONING PLAN**
Fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 9 to 11, 43, 44**

**CONSENT**
Transplantation
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**

**CONSTITUTIONAL LAW**
COVID-19 related litigation
moratorium on evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6, § 4 to 11**
Moratorium on evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6, § 4 to 11**
Unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5, § 43 to 47**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 89 to 91**

**CORN PICKER**
Products liability, necessity and admissibility of expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3, § 44, 60, 119**

**CORONERS AND MEDICAL EXAMINERS**
Transplantation of organs
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**

**COVID-19**
Moratorium on evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**

**CUSTODY AND SUPPORT OF CHILDREN**
Financial condition
noncustodial parent, comment note: custodial parent's obligation to pay child support to noncustodial parent, **75 A.L.R. 7th Art. 4**

**CUSTODY AND SUPPORT OF CHILDREN—Cont'd**
Guidelines
noncustodial parent, comment note: custodial parent's obligation to pay child support to noncustodial parent, **75 A.L.R. 7th Art. 4, § 12 to 18**
Noncustodial parent, comment note: custodial parent's obligation to pay child support to noncustodial parent, **75 A.L.R. 7th Art. 4**
Profits or income
noncustodial parent, comment note: custodial parent's obligation to pay child support to noncustodial parent, **75 A.L.R. 7th Art. 4**

**DAIRIES AND DAIRY PRODUCTS**
Products liability
design and manufacture of agricultural equipment, chemicals, and feed, products liability, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3, § 56, 75, 115**

**DANGER AND DANGEROUS CONDITIONS**
Red flag laws, seizure and retention of firearm under state ''red flag'' or extreme risk protection law, **75 A.L.R. 7th Art. 7**

**DEAD BODIES**
Transplantation of organs
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**

**DESIGN OF PRODUCTS AND STRUCTURES**
Agricultural equipment
products liability, necessity and admissibility of expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**

**DESIGN OF PRODUCTS AND STRUCTURES—Cont'd**
Agricultural equipment—Cont'd
opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**
Alternative safe design
agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, products liability, **75 A.L.R. 7th Art. 3**
Chemicals, agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, products liability, **75 A.L.R. 7th Art. 3**
Expert or opinion evidence
agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, products liability, **75 A.L.R. 7th Art. 3**
Food
expert evidence
agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, products liability, **75 A.L.R. 7th Art. 3**

**DISCHARGE FROM EMPLOYMENT OR OFFICE**
Absence or presence
imprisonment, unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**
Imprisonment, unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**

**DIVORCE AND SEPARATION**
Noncustodial parent, comment note: custodial parent's obligation to pay child support to noncustodial parent, **75 A.L.R. 7th Art. 4**

**DUE PROCESS**
Zoning
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2, § 6 to 8**

**EJECTMENT, EVICTION, AND OUSTER**
COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**
Moratorium on evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**

**ENGINEERS**
Expert or opinion evidence
design and manufacture of agricultural equipment, chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3, § 27, 72 to 81**
Products liability
expert or opinion evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3, § 27, 72 to 81**

**EQUIPMENT AND MACHINERY**
Expert and opinion evidence
design and manufacture of agricultural equipment, chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3**
Farm equipment
products liability, expert or opinion evidence
as to design and manufacture of agricultural equipment,

**EQUIPMENT AND MACHINERY —Cont'd**
Farm equipment—Cont'd
products liability, expert or opinion evidence—Cont'd
chemicals, and feed, **75 A.L.R. 7th Art. 3**
Food
expert evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**
Manufacturers and manufacturing
products liability, necessity and admissibility of expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**
Products liability
agricultural equipment, expert or opinion evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**

**ESTOPPEL AND WAIVER**
Zoning
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2, § 54, 55**

**EXPERT AND OPINION EVIDENCE**
Agriculture
design and manufacture of agricultural equipment, chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3**
Chemicals, expert or opinion evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3**

**FEED AND FODDER**
Products liability, necessity and admissibility of expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**

**FENCES**
Boundaries
zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Height
zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Zoning
aesthetic considerations, **75 A.L.R. 7th Art. 2**
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 80**
prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**FERTILIZER OR MANURE**
Products liability
design and manufacture of agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3**

**FOOD**
Expert or opinion evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**

**FORECLOSURE**
COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**
Moratorium on evictions, COVID-19-related litigation: moratorium

**FORECLOSURE—Cont'd**
on evictions, **75 A.L.R. 7th Art. 6**

**FUNGICIDES**
Products liability
design and manufacture of agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3, § 100, 126, 154**

**GARAGES AND SERVICE STATIONS**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 70, 71**

**GIFTS**
Transplantation of organs
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**

**GOOD FAITH**
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**

**GRADES AND STANDARDS**
Zoning, fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**

**GUN CONTROL LAWS**
Red flag laws, seizure and retention of firearm under state "red flag" or extreme risk protection law, **75 A.L.R. 7th Art. 7**
State regulation
red flag laws, seizure and retention of firearm under state "red flag" or extreme risk protection law, **75 A.L.R. 7th Art. 7**

**HARVESTING OF ORGANS**
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**

**HAY BALERS OR LOADERS**
Products liability, necessity and admissibility of expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3, § 89, 90, 120, 151, 152**

**HEDGES**
Zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**HEIGHT**
Fences
zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Hedges, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Trees and shrubbery, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2, § 18 to 20**
Walls, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Zoning
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**HERBICIDES**
Products liability
agricultural equipment, products liability, design and manufacture of agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3**

**HOSPITALS**
Dead bodies
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**

**HOSPITALS—Cont'd**
Transplantation of organs
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**

**IMPRISONMENT**
Compensation
unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**
Unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**

**INJUNCTIONS**
COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6, § 21 to 24**
Evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6, § 21 to 24**
Moratorium on evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6, § 21 to 24**

**INSECTICIDES AND PESTICIDES**
Products liability
agricultural equipment, products liability, design and manufacture of agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3**

**INTENTIONAL, WILLFUL, AND WANTON ACTS**
Discharge from employment or office
unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5, § 34 to 42**
Imprisonment
unemployment compensation benefit disqualification by

**INTENTIONAL, WILLFUL, AND WANTON ACTS—Cont'd**
Imprisonment—Cont'd
incarceration and the like, **75 A.L.R. 7th Art. 5, § 34 to 42**
Insurance
unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5, § 34 to 42**
Unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5, § 34 to 42**

**INTOXICATING LIQUORS**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 99**

**LANDFILLS**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 97, 98**

**LANDLORD AND TENANT**
COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**
Moratorium on evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**

**MANUFACTURERS AND MANUFACTURING**
Agricultural equipment, expert or opinion evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3**
Chemicals, expert or opinion evidence
as to design and manufacture of agricultural equipment,

**MANUFACTURERS AND MANUFACTURING—Cont'd**
Chemicals, expert or opinion evidence—Cont'd
chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3**
Feed and fodder, products liability, necessity and admissibility of expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**

**MOBILE HOMES, TRAILER PARKS, AND TOURIST CAMPS**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 76, 77**

**MORATORIUM ACT**
COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**

**MORTGAGES**
COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**
Moratorium on evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**

**MULTIPLE DWELLINGS**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 46, 54**

**NONCONFORMING USE**
Fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**PARKING LOTS AND PARKING GARAGES**
Zoning
fairly debatable and substantial relationship standards in zon-

**PARKING LOTS AND PARKING GARAGES—Cont'd**
Zoning—Cont'd
ing law, **75 A.L.R. 7th Art. 1, § 104, 105**

**PAYMENT**
Noncustodial parent, comment note: custodial parent's obligation to pay child support to noncustodial parent, **75 A.L.R. 7th Art. 4**

**PLANNED UNIT DEVELOPMENTS**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 42**

**PREEMPTION**
Zoning
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2, § 14, 15**

**PRISONS AND PRISONERS**
Unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**

**PRODUCTS LIABILITY**
Agricultural equipment, expert or opinion evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**
Chemicals
expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**
Equipment or machinery
expert or opinion evidence as to design and manufacture of

**PRODUCTS LIABILITY—Cont'd**
Equipment or machinery—Cont'd
agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**
Feed and fodder, products liability, necessity and admissibility of expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**
Strict products liability
agricultural equipment, expert or opinion evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**
design and manufacture of agricultural equipment, chemicals, and feed, products liability, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3**
evidence
expert or opinion evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3**

**PROFITS OR INCOME**
Custody and support of children
noncustodial parent, comment note: custodial parent's obligation to pay child support to noncustodial parent, **75 A.L.R. 7th Art. 4**
Noncustodial parent, comment note: custodial parent's obligation to pay child support to noncustodial parent, **75 A.L.R. 7th Art. 4**

**PROTECTIVE ORDERS**
Red flag laws, seizure and retention of firearm under state "red flag" or extreme risk protection law,

**PROTECTIVE ORDERS—Cont'd**
**75 A.L.R. 7th Art. 7**

**QUALIFICATION OR DISQUALIFICATION**
Expert and opinion evidence
design and manufacture of agricultural equipment, chemicals, and feed, products liability, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3**

**RED FLAG LAWS**
Seizure and retention of firearm under state ''red flag'' or extreme risk protection law, **75 A.L.R. 7th Art. 7**

**RENT**
COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6, § 21 to 24**
Eviction
moratorium on evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**
Moratorium on evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6**

**RESIDENTIAL AREA OR NEIGHBORHOOD**
Height of structures
zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
height of structures, zoning regulations prohibiting or limiting fences, hedges, or walls, **75**

**RESIDENTIAL AREA OR NEIGHBORHOOD—Cont'd**
Zoning—Cont'd
**A.L.R. 7th Art. 2**

**SAFETY CODES AND STANDARDS**
Zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**SAFETY PRECAUTIONS OR DEVICES**
Zoning, fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**

**SEARCH AND SEIZURE**
Red flag laws, seizure and retention of firearm under state ''red flag'' or extreme risk protection law, **75 A.L.R. 7th Art. 7**

**SETBACK REQUIREMENTS**
Zoning
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**SPOT ZONING**
Fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 22 to 24**

**STATES**
COVID-19 related litigation
moratorium on evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6, § 12 to 15**
Gun control laws
red flag laws, seizure and retention of firearm under state ''red flag'' or extreme risk protection law, **75 A.L.R. 7th Art. 7**
Moratorium on evictions, COVID-19-related litigation: moratorium on evictions, **75 A.L.R. 7th Art. 6, § 12 to 15**

**STATES—Cont'd**
Red flag laws, seizure and retention of firearm under state ''red flag'' or extreme risk protection law, **75 A.L.R. 7th Art. 7**
Weapons statutes
red flag laws, seizure and retention of firearm under state ''red flag'' or extreme risk protection law, **75 A.L.R. 7th Art. 7**

**STRICT OR ABSOLUTE LIABILITY**
Agricultural equipment, expert or opinion evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3**
Design and manufacture of agricultural equipment, chemicals, and feed, products liability, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3**
Expert opinion
as to design and manufacture of agricultural equipment, chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3**
Food products and equipment, expert evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3**
Products liability
agricultural equipment, expert or opinion evidence
as to design and manufacture of agricultural equipment, chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3**
design and manufacture of agricultural equipment, chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3**

**STRICT OR ABSOLUTE LIABILITY—Cont'd**
Products liability—Cont'd
expert opinion
as to design and manufacture of agricultural equipment, chemicals, and feed, products liability, **75 A.L.R. 7th Art. 3**

**STUMP CUTTER**
Products liability, necessity and admissibility of expert or opinion evidence as to design and manufacture of agricultural equipment, chemicals, and feed, **75 A.L.R. 7th Art. 3, § 88, 95, 96**

**SUPPORT OF PERSONS**
Noncustodial parent, comment note: custodial parent's obligation to pay child support to noncustodial parent, **75 A.L.R. 7th Art. 4**

**SWIMMING AND SWIMMING POOLS**
Fences
zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**THREATS**
Red flag laws, seizure and retention of firearm under state ''red flag'' or extreme risk protection law, **75 A.L.R. 7th Art. 7**
Weapons
red flag laws, seizure and retention of firearm under state ''red flag'' or extreme risk protection law, **75 A.L.R. 7th Art. 7**

**TORTS**
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**

**TOWERS**
Zoning
fairly debatable and substantial relationship standards in zon-

**TOWERS—Cont'd**
Zoning—Cont'd
ing law, **75 A.L.R. 7th Art. 1, § 78, 79**

**TRACTORS AND TRACTOR TRAILERS**
Design and manufacture of agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, products liability, **75 A.L.R. 7th Art. 3**
Products liability
agricultural equipment, products liability, design and manufacture of agricultural equipment, chemicals, and feed, necessity and admissibility of expert or opinion evidence, **75 A.L.R. 7th Art. 3**

**TRANSPLANTATION**
Consent
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**
Dead bodies, transplantation of organs
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**
Gifts
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**
Hospitals
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**
Tort liability
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**
Uniform Anatomical Gift Act, **75 A.L.R. 7th Art. 8**

**TREES AND SHRUBBERY**
Zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2, § 18 to 20**

**UNEMPLOYMENT COMPENSATION**
Constitutional law, unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5, § 43 to 47**
Discharge from employment or office
imprisonment, unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**
Imprisonment, unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**
Prisons and prisoners, unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**
Qualification or disqualification
imprisonment, unemployment compensation benefit disqualification by incarceration and the like, **75 A.L.R. 7th Art. 5**

**VARIANCES**
Comprehensive plan
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 9 to 11, 43, 44**
Fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
Fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
fences, zoning regulations prohibiting or limiting fences,

**VARIANCES—Cont'd**
Zoning—Cont'd
hedges, or walls, **75 A.L.R. 7th Art. 2**

**VEGETATION**
Hedges, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**VISITS AND VISITATION**
Custody and support of children
noncustodial parent, comment note: custodial parent's obligation to pay child support to noncustodial parent, **75 A.L.R. 7th Art. 4**
Noncustodial parent, comment note: custodial parent's obligation to pay child support to noncustodial parent, **75 A.L.R. 7th Art. 4**

**WALLS**
Zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**WEAPONS AND FIREARMS**
Appeal
red flag laws, seizure and retention of firearm under state "red flag" or extreme risk protection law, **75 A.L.R. 7th Art. 7**
Possession
red flag laws, seizure and retention of firearm under state "red flag" or extreme risk protection law, **75 A.L.R. 7th Art. 7**
Red flag laws, seizure and retention of firearm under state "red flag" or extreme risk protection law, **75 A.L.R. 7th Art. 7**
Search and seizure
red flag laws, seizure and retention of firearm under state "red flag" or extreme risk protection law, **75 A.L.R. 7th Art. 7**
Seizure and retention of firearm under state "red flag" or

**WEAPONS AND FIREARMS—Cont'd**
extreme risk protection law, **75 A.L.R. 7th Art. 7**
States
red flag laws, seizure and retention of firearm under state "red flag" or extreme risk protection law, **75 A.L.R. 7th Art. 7**
Threat
red flag laws, seizure and retention of firearm under state "red flag" or extreme risk protection law, **75 A.L.R. 7th Art. 7**

**ZONING**
Aesthetic considerations
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Agriculture
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 53, 54, 59, 60**
Airports
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 88**
Apartments and apartment houses
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 41, 46, 48 to 50, 63**
Appeal and error
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**

**ZONING—Cont'd**
Area
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Boundaries
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Building and construction
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Business and commerce
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
Comprehensive plan
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 9 to 11, 43, 44**
Constitutional law
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 89 to 91**
Due process
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2, § 6 to 8**
Estoppel and waiver
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2, § 54, 55**
Fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
Fences
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 80**
prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Garages and service stations
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 70, 71**
Hearings
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
Hedges, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Height
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Intoxicating liquors
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 99**
Landfills
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 97, 98**
Minimum dimensions
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
Mobile homes, trailer parks, and tourist camps
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 76, 77**
Multiple dwellings
fairly debatable and substantial relationship standards in zon-

**ZONING—Cont'd**
Multiple dwellings—Cont'd
ing law, **75 A.L.R. 7th Art. 1, § 46, 54**
Parking lots and parking garages
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 104, 105**
Planned unit developments
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 42**
Police power
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2, § 4, 5**
Preemption
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2, § 14, 15**
Residential area or neighborhood
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1**
fences, zoning regulations prohibiting or limiting fences,

**ZONING—Cont'd**
Residential area or neighborhood —Cont'd
hedges, or walls, **75 A.L.R. 7th Art. 2**
Setback requirements
fences, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**
Shrubbery and trees, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2, § 18 to 20**
Spot zoning
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 22 to 24**
Tower or antenna
fairly debatable and substantial relationship standards in zoning law, **75 A.L.R. 7th Art. 1, § 78, 79**
Trees and shrubbery, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2, § 18 to 20**
Walls, zoning regulations prohibiting or limiting fences, hedges, or walls, **75 A.L.R. 7th Art. 2**