

686B.3 Filing claims — establishment of prima facie case — individual actions to be filed.

1. A plaintiff in an asbestos action involving a nonmalignant condition or a silica action involving silicosis shall file with the complaint or other initial pleading a detailed narrative medical report and diagnosis, signed under oath by a qualified physician and accompanied by supporting test results, which constitute prima facie evidence that the exposed person meets the requirements of [this chapter](#). The report shall not be prepared by an attorney or person working for or on behalf of an attorney.

2. A plaintiff in an asbestos action, including an action alleging a nonmalignant or a malignant condition, or a silica action involving silicosis, shall file with the petition or other initial pleading a sworn information form specifying the evidence that provides the basis for each claim against each defendant. The sworn information form shall include all of the following with specificity:

a. The name, address, date of birth, marital status, occupation, current and past worksites, and employer of the exposed person.

b. Each person through whom the exposed person was exposed to asbestos or silica, and the exposed person's relationship to each person.

c. Each asbestos-containing product or silica product, whether from a bankrupt entity or otherwise, to which the exposed person was exposed, or if the exposed person was exposed through another person, to which that person was exposed.

d. The specific location and manner of each exposure, including the specific location and manner of exposure for any person through whom the exposed person was exposed to asbestos or silica.

e. The beginning and ending dates of each exposure and the frequency of the exposure of the exposed person to the product or its use, including for any person through whom the exposed person was exposed.

f. The identity of the manufacturer or seller of the specific asbestos or silica product for each exposure.

g. The specific asbestos-related or silica-related disease claimed to exist.

h. Any supporting documentation relating to the information required under [this subsection](#).

3. A defendant shall be afforded a reasonable opportunity to challenge the adequacy of the prima facie evidence before trial.

4. The court shall dismiss the asbestos action or silica action without prejudice on finding that the plaintiff has failed to make the prima facie showing required by [this chapter](#) or failed to comply with the requirements of [subsections 1 and 2](#). The court shall dismiss the asbestos action or silica action without prejudice as to any defendant whose product or premises is not identified in the information required pursuant to [subsection 2](#).

5. An asbestos action or silica action must be individually filed and shall not be filed on behalf of a group or class of plaintiffs.

[2017 Acts, ch 11, §12](#); [2020 Acts, ch 1030, §1 – 4](#)

2020 amendments to section apply to an asbestos action, including an action alleging a nonmalignant or malignant condition, or a silica action involving silicosis filed on or after July 1, 2020; 2020 Acts, ch 1030, §4

Subsection 2 amended

Subsection 3 stricken and former subsection 4 renumbered as 3

Former subsection 5 amended and renumbered as 4

Former subsection 6 renumbered as 5