

House File 2501 - Introduced

HOUSE FILE 2501
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 600)

A BILL FOR

1 An Act relating to civil actions involving asbestos and silica,
2 and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 686B.3, subsection 2, Code 2020, is
2 amended to read as follows:

3 2. A plaintiff in an asbestos action, including an action
4 alleging a nonmalignant or a malignant condition, or a silica
5 action involving silicosis, shall include with the detailed
6 narrative medical report file with the petition or other
7 initial pleading a sworn information form containing specifying
8 the evidence that provides the basis for each claim against
9 each defendant. The sworn information form shall include all
10 of the following with specificity:

11 a. The name, address, date of birth, ~~social security number,~~
12 marital status, occupation, current and past worksites, and
13 employer of the exposed person, ~~and any person through whom the~~
14 ~~exposed person alleges exposure.~~

15 ~~b. The plaintiff's relationship to the exposed person or~~
16 ~~person through whom the exposure is alleged.~~

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

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

25 ~~e. d.~~ d. The specific location and manner of each alleged
26 exposure, including the specific location and manner of
27 exposure for any person through whom the exposed person alleges
28 exposure was exposed to asbestos or silica.

29 ~~d. e.~~ e. The beginning and ending dates of each alleged
30 exposure and the frequency of the exposure of the exposed
31 person to the product or its use, including for any person
32 through whom the exposed person was exposed.

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

35 ~~f. The identity of the defendant or defendants against whom~~

1 ~~the plaintiff asserts a claim.~~

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

4 h. Any supporting documentation relating to the information
5 required under this subsection.

6 Sec. 2. Section 686B.3, subsection 3, Code 2020, is amended
7 by striking the subsection.

8 Sec. 3. Section 686B.3, subsection 5, Code 2020, is amended
9 to read as follows:

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

18 Sec. 4. APPLICABILITY. This Act applies to an asbestos
19 action, including an action alleging a nonmalignant or
20 malignant condition, or a silica action involving silicosis
21 filed on or after July 1, 2020.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to civil actions involving asbestos and
26 silica.

27 The bill requires a plaintiff in an asbestos action,
28 including an action alleging a nonmalignant or a malignant
29 condition, or a silica action involving silicosis, to file with
30 the petition or other initial pleading a sworn information
31 form specifying the evidence that provides the basis for each
32 claim against each defendant. The sworn information form must
33 contain the information as detailed in the bill. Current law
34 does not require a plaintiff in an asbestos action, including
35 an action alleging a malignant condition, or a silica action

1 involving silicosis, to file a sworn information form stating
2 the basis for each claim against each defendant.

3 The bill directs the court to dismiss an asbestos action or
4 a silica action without prejudice on finding that a plaintiff
5 has failed to make a prima facie case. The court is also
6 required to dismiss an asbestos action or silica action without
7 prejudice as to each defendant whose product or premises is
8 not identified in the sworn information. The court shall also
9 dismiss the action without prejudice as to all defendants if
10 the plaintiff fails to comply with the requirements for the
11 sworn statement or the requirement that the plaintiff file a
12 detailed medical report.

13 The provisions in the bill apply to asbestos actions,
14 including actions alleging a nonmalignant or malignant
15 condition, or silica actions involving silicosis filed on or
16 after July 1, 2020.