

**House Study Bill 600 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOLT)

**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 complaint 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 plaintiff's name, address, date of birth, social  
12 security number, marital status, occupation, and employer of  
13 the exposed person, and any person through whom the exposed  
14 person alleges exposure all current and former employers.

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

17 b. Each source of the plaintiff's exposure to asbestos or  
18 silica.

19 0c. Each person through whom the plaintiff was exposed to  
20 asbestos or silica, and the plaintiff's connection to each  
21 person.

22 00c. Each asbestos-containing product or silica product,  
23 whether from a bankrupt entity or otherwise, to which the  
24 plaintiff was exposed, or if the plaintiff was exposed through  
25 another person, to which that person was exposed.

26 000c. Each premises at which the plaintiff was exposed to  
27 asbestos or silica, or if the plaintiff was exposed through  
28 another person, to which that person was exposed.

29 c. The specific location and manner of each alleged  
30 exposure, including the specific location and manner of  
31 exposure for any person through whom the ~~exposed person alleges~~  
32 exposure plaintiff was exposed to asbestos or silica.

33 d. The beginning and ending dates of each alleged exposure.

34 e. The identity of the manufacturer of the specific asbestos  
35 or silica product for each exposure.

1 ~~f. The identity of the defendant or defendants against~~  
2 ~~whom the plaintiff asserts a claim~~ specific connection of each  
3 defendant to each claim made by the plaintiff.

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

6 h. Any supporting documentation relating to the information  
7 required under this subsection.

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

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

12 5. a. The court shall dismiss the asbestos action or silica  
13 action without prejudice on finding that the plaintiff has  
14 failed to make the prima facie showing required by [this chapter](#)  
15 or failed to comply with the requirements of ~~this section~~  
16 subsection 1.

17 b. The court shall dismiss the asbestos action or silica  
18 action without prejudice as to each defendant for whom  
19 the plaintiff lacks reliable defendant-specific evidence  
20 of sufficient exposure to asbestos or silica to create a  
21 reasonable inference that the plaintiff is plausibly entitled  
22 to relief. The court may dismiss the action without prejudice  
23 as to all defendants if the plaintiff fails to comply with the  
24 requirements of subsection 2.

25 c. If a plaintiff's representations supporting a claim  
26 against a defendant in an asbestos action or a silica action  
27 are materially false, the defendant may move the court to  
28 strike the plaintiff's pleading as to that defendant and  
29 to award the defendant attorney fees, costs, and any other  
30 relief that the court determines is just and proper in the  
31 circumstances.

32 Sec. 4. APPLICABILITY. This Act applies to an asbestos  
33 action, including an action alleging a nonmalignant or  
34 malignant condition, or a silica action involving silicosis  
35 filed on or after July 1, 2020.

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EXPLANATION

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

This bill relates to civil actions involving asbestos and silica.

The bill requires a plaintiff in an asbestos action, including an action alleging a nonmalignant or a malignant condition, or a silica action involving silicosis, to file with the complaint 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 must contain the information as detailed in the bill. Current law does not require a plaintiff in an asbestos action, including an action alleging a malignant condition, or a silica action involving silicosis, to file a sworn information form stating the basis for each claim against each defendant.

The bill directs the court to dismiss an asbestos action or a silica action without prejudice on finding that a plaintiff has failed to make a prima facie case. The court is also required to dismiss an asbestos action or silica action without prejudice as to each defendant for whom a plaintiff lacks reliable defendant-specific evidence of sufficient exposure to asbestos or silica to create a reasonable inference that the plaintiff may be entitled to relief. The court may dismiss the action without prejudice as to all defendants if the plaintiff fails to comply with the requirements for the sworn statement.

If a plaintiff's representations supporting a claim against a defendant are materially false, the bill allows the defendant to move the court to strike the plaintiff's pleading as to that defendant and to award the defendant attorney fees, costs, and any other relief the court determines is just and proper in the circumstances.

The provisions in the bill apply to asbestos actions, including actions alleging a nonmalignant or malignant condition, or silica actions involving silicosis filed on or

H.F. \_\_\_\_\_

1 after July 1, 2020.