

Senate File 2337 - Introduced

SENATE FILE 2337
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3167)

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 by striking the subsection and inserting in lieu
3 thereof the following:

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

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

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

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

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

26 e. The beginning and ending dates of each exposure, the
27 frequency of the exposure, the proximity in distance and time
28 of the exposed person to the product or its use, and the
29 regularity of the exposure, including for any person through
30 whom the exposed person was exposed.

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

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

35 h. Any supporting documentation relating to the information

1 required under this subsection.

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

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

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

14 Sec. 4. APPLICABILITY. This Act applies to an asbestos
15 action, including an action alleging a nonmalignant or
16 malignant condition, or a silica action involving silicosis
17 filed on or after July 1, 2020.

18 EXPLANATION

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

21 This bill relates to civil actions involving asbestos and
22 silica.

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

34 The bill directs the court to dismiss an asbestos action or a
35 silica action without prejudice on finding that a plaintiff has

1 failed to make a prima facie case or failed to file a detailed
2 medical report and sworn information form. The court is also
3 required to dismiss an asbestos action or silica action without
4 prejudice as to any defendant whose product or premises is not
5 identified in the sworn information form.

6 The provisions in the bill apply to asbestos actions,
7 including actions alleging a nonmalignant or malignant
8 condition, or silica actions involving silicosis filed on or
9 after July 1, 2020.