

Senate Study Bill 3167 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

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:

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
16 or person through whom the exposure is alleged. All of the
17 following with specificity:

18 (1) Each source of exposure to asbestos or silica alleged
19 by the plaintiff.

20 (2) Each person through whom the plaintiff alleges exposure
21 to asbestos or silica.

22 (3) 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 (4) 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 oc. The plaintiff's relationship to each person through whom
30 the plaintiff was exposed to asbestos or silica.

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

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

1 e. The identity of the manufacturer of the specific asbestos
2 or silica product for each exposure.

3 ~~f. The identity of the defendant or defendants against whom~~
4 ~~the plaintiff asserts a claim~~ specific relationship of each
5 defendant to the plaintiff, and to each person through whom the
6 plaintiff was exposed to asbestos or silica.

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

9 h. Any supporting documentation relating to the information
10 required under this subsection.

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

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

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

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

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

35 Sec. 4. APPLICABILITY. This Act applies to an asbestos

1 action, including an action alleging a nonmalignant or
2 malignant condition, or a silica action involving silicosis
3 filed on or after July 1, 2020.

4

EXPLANATION

5

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

7

This bill relates to civil actions involving asbestos and
8 silica.

9

The bill requires a plaintiff in an asbestos action,
10 including an action alleging a nonmalignant or a malignant
11 condition, or a silica action involving silicosis, to file with
12 the complaint or other initial pleading a sworn information
13 form specifying the evidence that provides the basis for each
14 claim against each defendant. The sworn information form must
15 contain the information as detailed in the bill. Current law
16 does not require a plaintiff in an asbestos action, including
17 an action alleging a malignant condition, or a silica action
18 involving silicosis, to file a sworn information form stating
19 the basis for each claim against each defendant.

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

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

S.F. _____

1 The provisions in the bill apply to asbestos actions,
2 including actions alleging a nonmalignant or malignant
3 condition, or silica actions involving silicosis filed on or
4 after July 1, 2020.