SENATE FILE 2337
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3167)

(As Amended and Passed by the Senate February 25, 2020)
ALL New Language by the Senate

A BILL FOR

An Act relating to civil actions involving asbestos and silica, and including applicability provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

2. A plaintiff in an asbestos action, including an action alleging a nonmalignant or a malignant condition, or a silica action involving silicosis, shall ~~include with the detailed narrative medical report~~ file with the petition or other initial pleading a sworn information form ~~containing~~ 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, ~~social security number,~~ marital status, occupation, current and past worksites, and employer of the exposed person~~, and any person through whom the exposed person alleges exposure~~.

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

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.

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

~~*d.*~~ *e.* The beginning and ending dates of each ~~alleged~~ 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.

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

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

~~the plaintiff asserts a claim.~~

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

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

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

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

5. 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 ~~this section~~ 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.

Sec. 4. APPLICABILITY. This Act applies 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.