

As Passed by the Senate

135th General Assembly

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Am. S. B. No. 63

Senator Lang

**Cosponsors: Senators Cirino, Hackett, Huffman, S., Romanchuk, Schaffer,
Schuring, Wilson, Rulli, Reynolds, Reineke, Wilkin**

A BILL

To enact section 2307.931 of the Revised Code to 1
require a plaintiff in a tort action alleging an 2
asbestos claim to file specified disclosures. 3

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

Section 1. That section 2307.931 of the Revised Code be 4
enacted to read as follows: 5

Sec. 2307.931. (A) As used in this section, "each 6
exposure" means every exposure to asbestos or an asbestos- 7
containing product by an exposed person or by a person through 8
whom the exposed person was exposed to asbestos. 9

(B) The plaintiff in any tort action who alleges an 10
asbestos claim shall file, within sixty days after filing any 11
complaint, a sworn statement signed by the plaintiff or the 12
plaintiff's counsel, specifying the evidence providing the basis 13
for each asbestos claim against each defendant, including the 14
following: 15

(1) The name, address, date of birth, marital status, 16
occupation, smoking history, current and past worksites, and 17

current and past employers of the exposed person and any person 18
through whom the exposed person was exposed to asbestos; 19

(2) The name, address, and relationship to the exposed 20
person of each person who is knowledgeable regarding the exposed 21
person's exposures to asbestos; 22

(3) The manufacturer and seller and the specific brand and 23
trade name of each asbestos-containing product to which the 24
exposed person was exposed or to which the other person was 25
exposed if the exposure was through another person; 26

(4) For each exposure to an asbestos-containing product 27
identified under division (B)(3) of this section, each site and 28
the specific location at each site, including the address of 29
each site, where the exposed person was exposed or where the 30
other person was exposed if the exposure was through another 31
person; 32

(5) The beginning and ending dates of each exposure, the 33
specific manner of each exposure, the frequency and length of 34
each exposure, and the proximity of the asbestos-containing 35
product or its use to the exposed person and to each person 36
through whom the exposed person alleges exposure to asbestos; 37

(6) The specific asbestos-related disease that is alleged; 38

(7) Any supporting documentation relating to the 39
information required under division (B) of this section. 40

(C) The sworn statement required under division (B) of 41
this section is in addition to other requirements for asbestos 42
claims under sections 2307.91 to 2307.98 of the Revised Code. 43

(D) A plaintiff in a tort action alleging an asbestos 44
claim has a continuing duty to supplement the information that 45

is required to be disclosed under division (B) of this section, 46
including when the plaintiff receives new exposure history 47
information or becomes aware that a prior disclosure was 48
inaccurate or incomplete. 49

(E) The plaintiff shall not commence discovery against a 50
defendant in a tort action alleging an asbestos claim until the 51
defendant's product or premises is specifically identified in 52
the disclosures required under division (B) of this section. 53

(F) Except as provided in division (I) of this section, on 54
a motion by a defendant in a tort action alleging an asbestos 55
claim, the court shall dismiss the plaintiff's claim without 56
prejudice against either of the following: 57

(1) The defendant if the defendant's asbestos-containing 58
product or site is not specifically identified in the 59
disclosures required under division (B) of this section; 60

(2) The defendant or all defendants, as applicable, if the 61
plaintiff fails to comply with division (B) of this section. 62

(G) The plaintiff shall have thirty days from the date of 63
the filing of the defendant's motion under division (F) of this 64
section to file disclosures that comply with division (B) of 65
this section or otherwise respond to the defendant's motion. 66

(H) A claim that is dismissed pursuant to division (F) of 67
this section is dismissed other than upon the merits for 68
purposes of section 2305.19 of the Revised Code. 69

(I) The court may not dismiss a plaintiff's claim under 70
division (F) of this section upon a showing of good cause by the 71
plaintiff. 72

(J) This section applies to a tort action alleging an 73

<u>asbestos claim that is filed on or after the effective date of</u>	74
<u>this section.</u>	75
<u>(K) This section does not apply to a claim for workers'</u>	76
<u>compensation or a claim for veterans' benefits.</u>	77