

HB 2365 -- Asbestos and Silica Claims Priorities Act

Sponsor: Pratt

This bill establishes the Asbestos and Silica Claims Priorities Act. In its main provisions, the bill:

- (1) Requires the exposure of asbestos or silica to be a substantial factor to the physical impairment of the exposed person;
- (2) Disallows asbestos- or silica-related claims brought on behalf of a class or group except in claims relating to the exposed person and members of his or her household;
- (3) Requires a tort action alleging an asbestos claim based upon the nonmalignant condition of an exposed person to show that the exposed person has a physical impairment where exposure to the defendant's asbestos is a substantial factor to the physical impairment;
- (4) Requires a detailed narrative medical report and diagnosis by a qualified physician to be included on behalf of a plaintiff's asbestos- or silica-related claim;
- (5) Specifies that no prima facie showing is required for any asbestos claim related to alleged mesothelioma;
- (6) Specifies that any evidence relating to the prima facie showing of physical impairment related to the defendant's asbestos or silica exposure will not be conclusive as to the liability of the defendant;
- (7) Requires evidence relating to physical impairment to comply with technical recommendations for examinations, testing procedures, quality assurance, quality control, and equipment incorporated in the American Medical Association's Guides to the Evaluation of Permanent Impairment;
- (8) Requires evidence verifying that the diagnosing, qualified physician has taken a detailed medical and smoking history from the exposed person, including a thorough review of the exposed person's past and present medical problems and the most probable cause;
- (9) Requires specific medical testing procedures for a showing of physical impairment; and
- (10) Specifies that an asbestos- or silica-related claim arising out of a nonmalignant condition is a distinct cause of action

from a claim for an asbestos- or silica-related cancer.