

SECOND REGULAR SESSION

HOUSE BILL NO. 2888

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DIEHL.

6114H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil actions for medical monitoring.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.1600, to read as follows:

537.1600. 1. No standalone cause of action for medical monitoring exists under the laws of this state. Increased risk of disease, whether accompanied by physiological or other changes in the human body, is not itself compensable through damages or any other form of relief, regardless of the legal theory being asserted.

5. 2. In any civil action, no defendant shall be required to pay damages or provide any other type of legal, injunctive, or equitable relief for a plaintiff's future medical surveillance, screening tests, or monitoring procedures unless the plaintiff proves, in addition to the other requirements for the underlying cause of action, that:

9. (1) The future medical surveillance, screening tests, or monitoring procedures sought are directly related to, and necessitated by, a presently existing and diagnosable physical disease or injury of the plaintiff;

12. (2) The future medical surveillance, screening tests, or monitoring procedures are distinct from the medical surveillance, screening tests, or monitoring procedures recommended in the absence of the preexisting physical disease or injury and related exposure; and

16. (3) The plaintiff's presently existing physical disease or injury was caused by the defendant's tortious conduct.

EXPLANATION — Matter enclosed in bold-faced brackets [~~thus~~] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **3. For purposes of subsection 2 of this section, the mere presence of a toxic**
19 **substance in the bloodstream shall not constitute a presently existing and diagnosable**
20 **physical disease or injury.**

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