

HB 2888 -- MEDICAL MONITORING

SPONSOR: Diehl

This bill provides that no standalone cause of action for medical monitoring exists under the laws of this state. In any civil action, no defendant is required to pay damages or provide any other type of relief for a plaintiff's future medical surveillance, screening tests, or monitoring procedures unless the plaintiff proves the following:

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

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

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

The presence of a toxic substance in the bloodstream does not constitute a presently existing and diagnosable physical disease or injury.