

As Introduced

134th General Assembly

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S. B. No. 252

Senator Lang

Cosponsors: Senators Brenner, Cirino, Hackett, Hottinger, Huffman, S., Johnson, McColley, Reineke, Romanchuk, Rulli, Schaffer, Schuring, Wilson

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 a sworn statement of 3
specified disclosures. 4

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

Section 1. That section 2307.931 of the Revised Code be 5
enacted to read as follows: 6

Sec. 2307.931. (A) As used in this section, "each 7
exposure" means every exposure to asbestos or an asbestos- 8
containing product by an exposed person or by a person through 9
whom the exposed person was exposed to asbestos. 10

(B) The plaintiff in any tort action who alleges an 11
asbestos claim shall file, within thirty days after filing any 12
complaint, a sworn statement signed by the plaintiff, under 13
penalty of perjury, specifying the evidence that provides the 14
basis for each asbestos claim against each defendant in the 15
action. The sworn statement is in addition to any other 16
requirements for asbestos claims under sections 2307.91 to 17

2307.98 of the Revised Code and shall include all of the 18
following with specificity: 19

(1) The name, address, date of birth, marital status, 20
occupation, smoking history, and current and past worksites of 21
the exposed person and any person through whom the exposed 22
person was exposed to asbestos; 23

(2) Each person through whom the exposed person was 24
exposed to asbestos and the exposed person's relationship to 25
each such person; 26

(3) Each person who is knowledgeable about each exposure; 27

(4) The manufacturer or seller of each asbestos or 28
asbestos-containing product and the specific product involved in 29
each exposure; 30

(5) The specific location and manner of each exposure; 31

(6) The beginning and ending dates of each exposure, the 32
frequency and length of each exposure, and the proximity of the 33
asbestos-containing product or its use to the exposed person and 34
to each person through whom the exposed person was exposed to 35
asbestos; 36

(7) The specific asbestos-related disease that is alleged; 37

(8) Any supporting documentation relating to the 38
information required under division (B) of this section. 39

(C) A plaintiff in a tort action alleging an asbestos 40
claim has a continuing duty to supplement the information that 41
is required to be disclosed under division (B) of this section. 42

(D) The court, on motion by a defendant, shall 43
administratively dismiss a plaintiff's asbestos claim without 44

prejudice as to that defendant whose product or premises is not 45
identified in the sworn statement set forth in division (B) of 46
this section. 47

(E) The court, on motion by a defendant, shall 48
administratively dismiss a plaintiff's asbestos claim without 49
prejudice as to all defendants if the plaintiff fails to comply 50
with the requirements of this section. 51

(F) This section applies to the following: 52

(1) A tort action alleging an asbestos claim that is filed 53
on or after the effective date of this section; 54

(2) A tort action alleging an asbestos claim that is 55
pending on the effective date of this section, if the trial in 56
the action will begin one hundred twenty days or more following 57
the effective date of this section. In that event, the plaintiff 58
shall file the sworn statement and supporting documentation 59
described in division (B) of this section within sixty days 60
following the effective date of this section. 61