

As Reported by the Senate Insurance Committee

135th General Assembly

Regular Session

2023-2024

S. B. No. 63

Senator Lang

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

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 thirty days after filing any 11
complaint, a sworn statement signed by the plaintiff or the 12
plaintiff's counsel, specifying the evidence that provides the 13
basis for each asbestos claim against each defendant in the 14
action. The sworn statement is in addition to any other 15
requirements for asbestos claims under sections 2307.91 to 16
2307.98 of the Revised Code and shall include all of the 17

| | |
|-------------------------------------------------------------------------|----|
| <u>following with specificity:</u> | 18 |
| <u>(1) The name, address, date of birth, marital status,</u> | 19 |
| <u>occupation, smoking history, current and past worksites, and</u> | 20 |
| <u>current and past employers of the exposed person and any person</u> | 21 |
| <u>through whom the exposed person was exposed to asbestos;</u> | 22 |
| <u>(2) The name, address, and relationship to the exposed</u> | 23 |
| <u>person of each person who is knowledgeable regarding the exposed</u> | 24 |
| <u>person's exposures to asbestos;</u> | 25 |
| <u>(3) The manufacturer and seller and the specific name of</u> | 26 |
| <u>each asbestos-containing product, including, but not limited to,</u> | 27 |
| <u>all brand and trade names of that specific asbestos-containing</u> | 28 |
| <u>product, to which the exposed person was exposed or to which the</u> | 29 |
| <u>other person was exposed if the exposure was through another</u> | 30 |
| <u>person;</u> | 31 |
| <u>(4) For each exposure to an asbestos-containing product</u> | 32 |
| <u>identified under division (B) (3) of this section, each site and</u> | 33 |
| <u>the specific location at each site, including the address of</u> | 34 |
| <u>each site, where the exposed person was exposed or where the</u> | 35 |
| <u>other person was exposed if the exposure was through another</u> | 36 |
| <u>person;</u> | 37 |
| <u>(5) The beginning and ending dates of each exposure, the</u> | 38 |
| <u>specific manner of each exposure, the frequency and length of</u> | 39 |
| <u>each exposure, and the proximity of the asbestos-containing</u> | 40 |
| <u>product or its use to the exposed person and to each person</u> | 41 |
| <u>through whom the exposed person alleges exposure to asbestos;</u> | 42 |
| <u>(6) The specific asbestos-related disease that is alleged;</u> | 43 |
| <u>(7) Any supporting documentation relating to the</u> | 44 |
| <u>information required under division (B) of this section.</u> | 45 |

(C) A plaintiff in a tort action alleging an asbestos claim has a continuing duty to supplement the information that is required to be disclosed under division (B) of this section, including when the plaintiff receives new exposure history information or becomes aware that a prior disclosure was inaccurate or incomplete. 46
47
48
49
50
51

(D) The plaintiff shall not commence discovery against a defendant in a tort action alleging an asbestos claim until the defendant's product or premises is specifically identified in the disclosures required under division (B) of this section. 52
53
54
55

(E) (1) A defendant whose product or premises is not specifically identified in the disclosures required under division (B) of this section, or who believes the plaintiff's disclosures fail to comply with division (B) of this section, may file a motion with the court to administratively dismiss the plaintiff's claim against that defendant. The plaintiff shall have thirty days from the date of the filing of the defendant's motion to file disclosures that comply with division (B) of this section or otherwise respond to the defendant's motion. 56
57
58
59
60
61
62
63
64

(2) The court shall administratively dismiss a plaintiff's asbestos claim against a defendant who files a motion under division (E) (1) of this section or as to all defendants, as applicable, if the plaintiff's disclosures fail to comply with division (B) of this section. 65
66
67
68
69

(F) A claim that is administratively dismissed pursuant to division (E) of this section is dismissed other than upon the merits for purposes of section 2305.19 of the Revised Code. 70
71
72

(G) This section applies to a tort action alleging an asbestos claim that is filed on or after the effective date of 73
74

this section. 75

(H) This section does not apply to a claim for workers' compensation or a claim for veterans' benefits. 76
77