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S.B. 63*
135th General Assembly

Bill Analysis

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Version: As Reported by House Insurance

Primary Sponsor: Sen. Lang

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SUMMARY

- Requires a plaintiff in a tort action alleging an asbestos claim to provide all parties a sworn statement of specified disclosures within 60 days of filing the complaint.
- Requires the plaintiff to continue to supplement the information that the plaintiff is required to disclose.
- Provides for the dismissal of an asbestos claim under specified circumstances, but prohibits the dismissal of an asbestos claim under those circumstances upon a showing of good cause by the plaintiff.
- Specifies that the bill does not apply to a claim for workers' compensation or a claim for veterans' benefits.

DETAILED ANALYSIS

Plaintiff in asbestos tort case required to file sworn statement

Under the bill, within 60 days of filing any complaint, a plaintiff in any tort action who is alleging an asbestos claim must provide all parties with a sworn statement specifying the evidence providing the basis for each asbestos claim against each defendant, including the following:¹

1. The name, address, date of birth, marital status, occupation, smoking history, current and past worksites, and current and past employers of the exposed person and any person through whom the person was exposed to asbestos;

* This analysis was prepared before the report of the House Insurance Committee appeared in the House Journal. Note that the legislative history may be incomplete.

¹ R.C. 2307.931(A).

2. The name and address of each person who is knowledgeable regarding the exposed person's exposures to asbestos;
3. The asbestos-containing product for each defendant to which the exposed person was exposed or to which the other person was exposed if exposure was through another person;
4. The sites that establish the direct connection between the exposed person, or the other person if the exposure was through another person, and each defendant;
5. The beginning and ending dates of each exposure to asbestos or an asbestos-containing product for the exposed person or the other person if the exposure was through another person;
6. The asbestos-related disease that is alleged;
7. Any supporting documentation relating to the required disclosures listed above.

The sworn statement is in addition to the current requirements under Ohio's Asbestos Claims Law.²

Supplemental information and dismissal of claim

The plaintiff must continue to supplement the information provided under the required disclosures as information and documentation becomes available, including when the plaintiff receives new exposure history information or becomes aware that a prior disclosure was inaccurate or incomplete.³

Motion by defendant

Except as provided under "**Showing of good cause by plaintiff**," below, on a motion by a defendant, the court must dismiss the plaintiff's asbestos claim without prejudice if the defendant's asbestos-containing product or site is not identified in the disclosures required in the plaintiff's sworn statement or the plaintiff fails to comply with the requirements for filing the sworn statement.⁴

Showing of good cause by plaintiff

The court may not dismiss a plaintiff's claim upon a motion by the defendant as described in "**Motion by defendant**," above, upon a showing of good cause by the plaintiff.⁵

² R.C. 2307.931(B).

³ R.C. 2307.931(C).

⁴ R.C. 2307.931(D).

⁵ R.C. 2307.931(E).

Application of bill's provisions

The bill does not apply to a claim for workers' compensation or a claim for veterans' benefits.⁶

HISTORY

Action	Date
Introduced	02-21-23
Reported, S. Insurance	11-21-23
Recommitted to S. Insurance	05-08-24
Re-reported, S. Insurance	05-22-24
Passed Senate (21-10)	05-22-24
Reported, H. Insurance	--

⁶ R.C. 2307.931(F).