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# OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 252  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Lang

Ashley F. Dean, Attorney

### SUMMARY

- Requires a plaintiff in a tort action alleging an asbestos claim to file a sworn statement of specified disclosures within 30 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.
- Specifies that the bill applies to an asbestos claim that is filed on or after the effective date of the bill or an asbestos claim that is pending on the effective date of the bill, if the trial will begin 120 days or more following the effective date of the bill.

### DETAILED ANALYSIS

#### Plaintiff in asbestos tort case required to file sworn statement

Under the bill, within 30 days of filing the complaint, a plaintiff in a tort action who is alleging an asbestos claim must file a signed sworn statement specifying the evidence that provides the basis for each asbestos claim against each defendant in the case. The sworn statement is in addition to the current requirements under Ohio's Asbestos Claims law.<sup>1</sup>

The sworn statement is required to include all of the following:<sup>2</sup>

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

<sup>1</sup> R.C. 2307.931(B).

<sup>2</sup> R.C. 2307.931(B).

2. Each person through whom the exposed person was exposed to asbestos and the exposed person's relationship to each of these named people;
3. Each person who is knowledgeable about each exposure;
4. The manufacturer or seller of each asbestos or asbestos-containing product and the specific product involved in each exposure;
5. The specific location and manner of each exposure;
6. The beginning and ending dates of each exposure, the frequency and length of each exposure, and the proximity of the asbestos-containing product or its use to the exposed person and to each person through whom the exposed person was exposed to asbestos;
7. The specific asbestos-related disease that is alleged;
8. Any supporting documentation relating to the required disclosures listed in this section.

### **Definition of “each exposure”**

The bill defines “each exposure” as every exposure to asbestos or an asbestos-containing product by an exposed person or by a person through whom the exposed person was exposed to asbestos.<sup>3</sup>

### **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.<sup>4</sup> If a named defendant's product or premises is not identified in the required disclosures, the court, on a motion by the defendant, must administratively dismiss the asbestos claim against that defendant without prejudice to the plaintiff.<sup>5</sup> If the plaintiff fails to comply with the required disclosures, the court, on a motion by a defendant, must administratively dismiss the asbestos claim against all defendants without prejudice.<sup>6</sup>

### **Application of bill's provisions**

The bill applies to asbestos claims filed on or after the effective date of the bill. The bill also applies to asbestos claims that are pending on the effective date of the bill where the trial action will begin 120 days or more following the effective date. For pending asbestos claims, the plaintiff must file the sworn statement and required documentation listed above within 60 days following the effective date of the bill.<sup>7</sup>

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<sup>3</sup> R.C. 2307.931(A).

<sup>4</sup> R.C. 2307.931(C).

<sup>5</sup> R.C. 2307.931(D).

<sup>6</sup> R.C. 2307.931(E).

<sup>7</sup> R.C. 2307.931(F).

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## HISTORY

Action	Date
Introduced	10-05-21

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