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## Substitute Bill Comparative Synopsis

**Sub. S.B. 63**

**135<sup>th</sup> General Assembly**

House Insurance

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Passed by the Senate)	Latest Version (L_135_0398-7)
<b>Sworn statement of plaintiff in asbestos tort case</b>	
Requires that within 60 days of filing any complaint, a plaintiff in any tort action who alleges an asbestos claim must file a sworn statement signed by the plaintiff or plaintiff's counsel specifying the evidence providing the basis for each asbestos claim against each defendant, including the following ( <i>R.C. 2307.931(B)</i> ):  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;  2. The name, address, and relationship to the exposed person of each person who is knowledgeable regarding the exposed person's exposures to asbestos;	Requires that within 60 days of filing any complaint, a plaintiff in any tort action who alleges an asbestos claim must provide all parties with a sworn statement specifying the basis for each claim against each defendant, including the following ( <i>R.C. 2307.931(A)</i> ):  1. Same provision.  2. The name and address of each person who is knowledgeable regarding the exposed person's exposures to asbestos;

Previous Version (As Passed by the Senate)	Latest Version (L_135_0398-7)
<p>3. The manufacturer and seller and the specific brand and trade name of each asbestos-containing product to which the exposed person was exposed or to which the other person was exposed if the exposure was through another person;</p> <p>4. For each exposure to an asbestos-containing product, each site and the specific location at each site, including the address of each site, where the exposed person was exposed or where the other person was exposed if the exposure was through another person;</p> <p>5. The beginning and ending dates of each exposure, the specific manner 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;</p> <p>6. The specific asbestos-related disease that is alleged;</p> <p>7. Any supporting documentation relating to the required disclosures listed above.</p>	<p>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;</p> <p>4. The sites that establish the direct connection between the exposed person, or the other person if exposure was through another person, and each defendant;</p> <p>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;</p> <p>6. The asbestos-related disease that is alleged;</p> <p>7. Same provision.</p>
<b>Definition</b>	
<p>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 (<i>R.C. 2307.931(A)</i>).</p>	<p>No provision.</p>
<b>Discovery against defendant</b>	
<p>Precludes the plaintiff from commencing discovery against a defendant until the defendant’s product or premises is specifically identified in the required disclosures (<i>R.C. 2307.931(E)</i>).</p>	<p>No provision.</p>

Previous Version (As Passed by the Senate)	Latest Version (L_135_0398-7)
<b>Dismissal of asbestos claim</b>	
<p>Generally requires that on a motion by a defendant in a tort action alleging an asbestos claim, the court must dismiss the plaintiff's claim without prejudice against either of the following (<i>R.C. 2307.931(F)</i>):</p> <ol style="list-style-type: none"> <li>1. The defendant if the defendant's asbestos-containing product or site is not specifically identified in the disclosures required in the plaintiff's sworn statement;</li> <li>2. The defendant or all defendants, as applicable, if the plaintiff fails to comply with the requirements for filing the sworn statement.</li> </ol> <p>Specifies that the plaintiff has 30 days from the date of filing of the defendant's motion to file disclosures that comply with the requirements listed above or otherwise respond to the defendant's motion (<i>R.C. 2307.931(G)</i>).</p> <p>Provides that a claim that is dismissed is dismissed other than upon the merits for the purpose of saving in case of reversal (<i>R.C. 2307.931(H)</i>).</p>	<p>Generally requires that 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 (<i>R.C. 2307.931(D)</i>).</p> <p>No provision.</p> <p>No provision.</p>
<b>Application of bill's provisions</b>	
<p>States that the bill applies to a tort action alleging an asbestos claim filed on or after the effective date of the bill (<i>R.C. 2307.931(J)</i>).</p>	<p>No provision.</p>