

By: Schofield

H.B. No. 3440

A BILL TO BE ENTITLED

AN ACT

relating to information a claimant must provide when bringing an action asserting an asbestos-related injury.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 90, Civil Practice and Remedies Code, is amended by adding Section 90.0031 to read as follows:

Sec. 90.0031. SWORN INFORMATION FORM REQUIRED FOR CLAIMS INVOLVING ASBESTOS-RELATED INJURY. (a) A claimant asserting an asbestos-related injury on or after September 1, 2021, must, in addition to meeting the requirements of Section 90.003, serve on each defendant a sworn information form specifying the evidence that provides the basis for each claim against each defendant. The sworn information form must be served with the petition and include all of the following with specificity:

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

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

(3) each asbestos-containing product, whether from a bankrupt entity or otherwise, to which the exposed person was

1 exposed, or if the exposed person was exposed through another
2 person, to which that other person was exposed;

3 (4) the specific location and manner of each exposure,
4 including for any person through whom the exposed person was
5 exposed to asbestos;

6 (5) the beginning and ending dates of each exposure,
7 the frequency and length of each exposure, and the proximity of the
8 asbestos-containing product or its use to the exposed person and
9 any person through whom the exposed person was exposed to asbestos;

10 (6) the identity of the manufacturer or seller of the
11 specific asbestos product for each exposure;

12 (7) the specific asbestos-related disease claimed to
13 exist; and

14 (8) any supporting documentation relating to the
15 information required under this subsection.

16 (b) A claimant has a continuing duty to supplement the
17 information that Subsection (a) requires to be disclosed.

18 (c) The court shall dismiss a claimant's asbestos claim
19 without prejudice as to any defendant whose product or premises is
20 not identified in the required disclosures set forth in Subsection
21 (a).

22 (d) The court shall dismiss a claimant's asbestos claim
23 without prejudice as to all defendants if the claimant fails to
24 comply with the requirements of Subsection (a).

25 SECTION 2. This Act takes effect September 1, 2021.