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SYNOPSIS:

Under existing law, the plaintiff in an action for damages from asbestos exposure is required to provide the defendant with certain information.

This bill would require a plaintiff to specify the basis for each claim against each defendant and provide additional, more detailed information relating to the asbestos exposure, including current and past worksites and each individual who is knowledgeable regarding the exposures.

This bill would also allow a defendant in an asbestos action to be dismissed from the action if not identified as required.

A BILL

TO BE ENTITLED

AN ACT

Relating to asbestos actions; to amend Sections 6-5-691, 6-5-692, and 6-5-693, Code of Alabama 1975, to further provide for various requirements for asbestos actions; and to authorize a defendant in an asbestos action to be dismissed if certain requirements are not met.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



29 Section 1. Sections 6-5-691, 6-5-692, and 6-5-693, Code
30 of Alabama 1975, are amended to read as follows:

31 "§6-5-691

32 For the purposes of this article, the following terms
33 ~~shall~~ have the following meanings:

34 (1) ASBESTOS ACTION. A civil action arising out of,
35 based on, or related to the health effects of exposure to
36 asbestos and any derivative claim made by or on behalf of a
37 person exposed to asbestos or a representative, spouse,
38 parent, child, or other relative of that person. The term
39 asbestos action does not include claims alleging ovarian
40 cancer.

41 (2) ASBESTOS TRUST. A government-approved or
42 court-approved trust, qualified settlement fund, compensation
43 fund, or claims facility that is created as a result of an
44 administrative or legal action, a court-approved bankruptcy,
45 pursuant to 11 U.S.C. § 524(g), 11 U.S.C. § 1121(a), or other
46 applicable provision of law, that is intended, in whole or in
47 part, to provide compensation to claimants arising out of,
48 based on, or related to the health effects of exposure to
49 asbestos.

50 (3) EXPOSED PERSON. A person whose exposure to asbestos
51 or to asbestos-containing products is the basis for an
52 asbestos action.

53 ~~(3)~~ (4) TRUST CLAIM MATERIALS. A final executed proof of
54 claim and all documents and information submitted to or
55 received from an asbestos trust, including claim forms and
56 supplementary materials, affidavits, medical and health



57 records, depositions and trial testimony of the plaintiff and
58 others knowledgeable about the plaintiff's exposure history,
59 work history, exposure allegations, and all documents that
60 reflect the status of a claim against an asbestos trust and if
61 the trust claim has been resolved.

62 ~~(4)~~ (5) TRUST GOVERNANCE DOCUMENTS. All documents that
63 relate to eligibility and payment levels, including claims
64 payment matrices, trust distribution procedures, or plans for
65 reorganization, for an asbestos trust."

66 "§6-5-692

67 (a) ~~Subject to Section 6-5-693, within 90 days after a~~
68 plaintiff who files an asbestos action, ~~the plaintiff~~ within
69 45 days, shall ~~do all of the following:~~ provide

70 ~~(1) Provide~~ all parties with an ~~affidavit, signed under~~
71 ~~oath~~ information form attested by the plaintiff, specifying the
72 basis for each claim against each defendant and stating all of
73 the following with specificity:

74 ~~a.~~ (1) The ~~plaintiff's~~ exposed person's name, address,
75 date of birth, Social Security number, marital status, smoking
76 history, occupation, ~~and~~ current and past worksites and
77 employers, and if the ~~plaintiff~~ exposed person alleges
78 exposure to asbestos through another person, the identity of
79 the other person, and that person's relationship to the
80 ~~plaintiff~~ exposed person.

81 ~~b.~~ (2) The asbestos-related disease claimed to exist.

82 ~~c.~~ (3) ~~The~~ An affirmation that the plaintiff and
83 ~~plaintiff's~~ this or her counsel have conducted an investigation
84 into all potential sources of the ~~plaintiff's~~ exposed person's



85 exposure to asbestos ~~and identified.~~

86 (4) The identity, with specificity, of each and every
87 source of exposure to asbestos that is available or known to
88 the plaintiff or ~~plaintiff's~~ his or her counsel for the exposed
89 person and any person through which the plaintiff alleges
90 exposure, including all asbestos-containing products to which
91 the ~~plaintiff~~ exposed person ~~or other person~~ was exposed,
92 whether from bankrupt entities or otherwise, and all premises
93 at which the ~~plaintiff and the other~~ exposed person ~~were~~ was
94 exposed to asbestos; ~~the.~~

95 (5) The specific location and manner of each alleged
96 exposure to asbestos; ~~the.~~

97 (6) The beginning and ending dates of each alleged
98 exposure; ~~and the.~~

99 (7) The specific connection of each defendant to the
100 alleged exposure to asbestos.

101 (8) The name, address, and relationship to the exposed
102 person of each individual who is knowledgeable regarding the
103 exposed person's exposures to asbestos.

104 ~~(2) (9) Provide all parties with all~~ All supporting
105 documentation relating to ~~this~~ the information required by
106 this section.

107 (b) If a defendant that is specifically identified in
108 the plaintiff's attestation as a source of exposure presents
109 evidence that the ~~plaintiff's affidavit~~ attestation is
110 incomplete, the defendant may move the court for an order to
111 require the plaintiff to supplement the ~~affidavit~~ attestation.
112 If the court determines that there is a sufficient basis for



113 the plaintiff to supplement the ~~affidavit~~attestation, the
114 court shall enter an order to require the plaintiff to
115 supplement the ~~affidavit~~attestation and shall stay the action
116 until the plaintiff supplements the ~~affidavit~~attestation as
117 provided by the court and produces the supplemental
118 ~~affidavit~~attestation to the parties.

119 (c) The court shall dismiss the plaintiff's claim
120 without prejudice if the plaintiff fails to provide the
121 information required in this section or fails to satisfy an
122 order to supplement the plaintiff's ~~affidavit~~attestation
123 within ~~90 days from~~ the time the information is required to be
124 provided to the parties.

125 (d) A defendant whose product or premises is not
126 specifically identified in the plaintiff's attestation may
127 file a motion with the court to dismiss the plaintiff's claim
128 against that defendant without prejudice."

129 "§6-5-693

130 (a) ~~A plaintiff in an asbestos action need not comply~~
131 ~~with Section 6-5-692 if, within 90~~Within 60 days after the
132 plaintiff files an asbestos action, the plaintiff ~~files~~ shall
133 file all available asbestos trust claims and ~~provides~~ provide
134 the parties with all trust claim materials available to the
135 plaintiff or ~~plaintiff's~~ his or her counsel in relation to the
136 ~~plaintiff's~~ exposed person's exposure to asbestos. ~~This~~
137 ~~section does not apply if the plaintiff complies with Section~~
138 ~~6-5-692.~~

139 (b) A plaintiff has a continuing duty to supplement the
140 information and materials provided under subsection (a) within



141 30 days after the plaintiff supplements an asbestos trust
142 claim, receives additional information or materials related to
143 an asbestos trust claim, or files an additional trust claim.

144 (c) Not less than 60 days before trial, if a defendant
145 presents evidence that the plaintiff has not filed all
146 available asbestos trust claims, as required under subsection
147 (a), the defendant may move the court for an order to require
148 the plaintiff to file additional trust claims. If a defendant
149 has previously filed a motion under this section, the court
150 shall not grant a subsequent motion if the defendant knew that
151 the claimant met the criteria for payment for the additional
152 trust claim identified in the subsequent motion at the time
153 the earlier motion was filed.

154 (d) Trial in an asbestos action may not begin until at
155 least 60 days after the plaintiff complies with this section."

156 Section 2. This act shall become effective on October
157 1, 2024.