

One Hundred Eighth Legislature - First Session - 2023

Introducer's Statement of Intent

LB95

Chairperson: Senator Justin Wayne

Committee: Judiciary

Date of Hearing: February 24, 2023

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

This bill relates to litigation involving exposure to asbestos.

The Asbestos Trust Claims Transparency Act (sections 1-7) requires plaintiffs to file and disclose claims against trusts that exist to compensate plaintiffs for harms caused by bankrupt companies' asbestos products. Disclosure of such information will address the disconnect that exists between the asbestos trust and civil justice systems and speed trust payments to claimants.

The Asbestos Claims Priorities and Claims Legitimacy Act (sections 8-18, conforming language in section 19) contains criteria to set aside and preserve claims filed by plaintiffs who claim past exposure to asbestos, but are not presently sick and may never develop an asbestos-related impairment. Claims alleging asbestos-related cancers will require a physician's opinion that the cancer is asbestos-related and not caused by something else.

The Act also addresses the indiscriminate naming of defendants in asbestos cases without proof of exposure. The Act requires asbestos plaintiffs to disclose the factual basis for each claim against each defendant and provide supporting documentation.

The Act requires parties to consent to multi-plaintiff trials in asbestos cases.

Finally, pursuant to the Act, a manufacturer or seller would not be liable in an asbestos action for exposures from a later-added asbestos-containing product made or sold by a third party.

Principal Introducer: _____

Senator Julie Slama