

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 831

Introduced by Hallstrom, 1.

Read first time January 07, 2026

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil actions; to provide limitations and
- 2 requirements for civil actions relating to exposure to ethylene
- 3 oxide; and to define terms.
- 4 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** For purposes of sections 1 to 5 of this act:

2 (1) Conduct refers to acts of commission and omission;

3 (2)(a) Ethylene oxide exposure action means a civil action seeking
4 damages for personal injury caused by the exposure of an individual to
5 ethylene oxide.

6 (b) Ethylene oxide exposure action does not include any claim
7 covered by the Nebraska Workers' Compensation Act; and

8 (3) Health care business means a person engaged in business in the
9 health care industry, including the manufacturing, sale and distribution,
10 sterilization, storage, and transportation of medical devices.

11 **Sec. 2.** A health care business shall not be liable for damages in
12 an ethylene oxide exposure action unless the plaintiff proves by clear
13 and convincing evidence that:

14 (1) The conduct of the health care business giving rise to the
15 action was not in substantial compliance with relevant federal laws and
16 regulations;

17 (2) At the time of such conduct, the health care business was not
18 making reasonable efforts, in light of all the circumstances, to maintain
19 substantial compliance with such federal laws and regulations;

20 (3) Such conduct amounted to gross negligence or willful misconduct;
21 and

22 (4) Such conduct directly and proximately resulted in the
23 plaintiff's exposure to ethylene oxide and directly and proximately
24 caused personal injury to the plaintiff.

25 **Sec. 3.** (1) In any ethylene oxide exposure action, the plaintiff
26 shall plead with particularity:

27 (a) Each element of the plaintiff's claim; and

28 (b) Each alleged act or omission constituting gross negligence or
29 willful misconduct that resulted in personal injury caused by exposure to
30 ethylene oxide.

31 (2) In any ethylene oxide exposure action, the plaintiff shall file

1 with the complaint a statement of specific information as to the nature
2 and amount of each element of damages claimed and the factual basis for
3 the damages calculation.

4 (3) In any ethylene oxide exposure action in which a claim is
5 asserted on which the plaintiff may prevail only on proof that the
6 defendant acted with a particular state of mind, there shall be filed
7 with the complaint, with respect to each element of that claim, a
8 statement of the facts giving rise to a strong inference that the
9 defendant acted with the required state of mind.

10 **Sec. 4.** (1) Sections 1 to 5 of this act constitute an exclusive
11 cause of action for ethylene oxide exposure actions.

12 (2) A plaintiff may prevail in an ethylene oxide exposure action
13 only in accordance with the requirements of sections 1 to 5 of this act.

14 **Sec. 5.** Sections 1 to 5 of this act shall apply to:

15 (1) An ethylene oxide exposure action that was filed before the
16 effective date of this act and that is pending on such date; and

17 (2) Any ethylene oxide exposure action filed on or after the
18 effective date of this act.