

HB 2635 -- SILICA CLAIMS PRIORITIES ACT

SPONSOR: Reiboldt

COMMITTEE ACTION: Voted "Do Pass" by the Special Committee on Litigation Reform by a vote of 6 to 2.

This bill establishes the "Silica Claims Priorities Act." No person may bring a claim for personal injury or wrongful death related to the inhalation of silica except upon a prima facie showing that the exposure was a substantial factor in causing a medical condition resulting in a physical impairment. Such prima facie showing shall be made as to each defendant and include a medical report from a qualified physician which contains specified information concerning the exposed person, the diagnosis, and impairment. Workers' Compensation and veterans' benefit claims are excluded from the act.

PROPOSERS: Supporters say that this bill will prevent frivolous lawsuits filed primarily by people who live in close proximity to gravel roads for claims that inhaling dust containing silica has potentially caused harm to the person.

Testifying for the bill were Representative Reiboldt; Ash Grove Cement Company; Missouri Chamber of Commerce and Industry; Associated Industries of Missouri; and Capital Sand Company Inc.

OPPOSERS: Those who oppose the bill say that this bill would protect manufacturers in the silica industry or of safety equipment from claims that their products are defective or dangerous. The medical causation requirement in the bill establishes a higher burden than current law for medical evidence.

Testifying against the bill were Mark Moreland, Missouri Association of Trial Attorneys; Missouri American Federation of Labor-Congress of Industrial Organizations; United Steelworkers; and Missouri American Federation of Labor-Congress of Industrial Organizations.