

2025 Regular Session

HOUSE BILL NO. 302

BY REPRESENTATIVE WRIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/LAW: Provides relative to transparency in asbestos actions

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AN ACT

To enact Chapter 5 of Code Title XII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3592 through 3597, relative to asbestos actions; to provide for definitions; to provide relative to required disclosures in asbestos actions; to provide for the identification of defendants in asbestos actions; to provide relative to discovery materials in asbestos actions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 5 of Code Title XII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:3592 through 3597, is hereby enacted to read as follows:

CHAPTER 5. ASBESTOS TRUST CLAIMS TRANSPARENCY AND OVER-NAMING ACT

§3592. Short title

This Chapter shall be known and may be cited as the "Asbestos Trust Claims Transparency And Over-Naming Act."

§3593. Definitions

For purposes of this Chapter:

(1) "Asbestos action" means a claim for damages or other relief presented in a civil action arising out of, based on, or related to the health effects of exposure

1 to asbestos and a derivative claim made by or on behalf of a person exposed to
2 asbestos or a representative, spouse, parent, child, or other relative of that person.

3 (2) "Asbestos trust" means a government-approved or court-approved
4 qualified settlement fund, compensation fund, or claims facility created as a result
5 of an administrative or legal action, or a court-approved bankruptcy or created under
6 11 U.S.C. Section 524(g), 11 U.S.C. Section 1121(a), or any other applicable
7 provision of law that is intended to provide compensation to claimants arising out of,
8 based on, or related to health effects of exposure of asbestos.

9 (3) "Asbestos trust claim" means a claim for compensation by an exposed
10 person or the exposed person's representative against an asbestos trust.

11 (4) "Exposed person" means a person whose exposure to asbestos or to
12 asbestos containing products is the basis for an asbestos action.

13 (5) "Trust claim materials" means a final executed proof of claim and
14 documents and information submitted to or received from an asbestos trust by a
15 claimant or a claimant's representative, including claim forms and supplementary
16 materials, proofs of claim, affidavits, depositions, and trial testimony of the claimant
17 and others knowledgeable about the claimant's exposure history, work history,
18 exposure allegations, medical and health records, documents that reflect that status
19 of a claim against an asbestos trust, and if the trust claim has settled, documents
20 relating to the settlement of the trust claim.

21 (6) "Trust governance document" means documents that relate to eligibility
22 and payment levels, including claims payment matrices, trust distribution
23 procedures, or plans for reorganization for an asbestos trust.

24 §3594. Required disclosures by asbestos claimants

25 Within thirty days after an asbestos action is filed, the claimant shall do all
26 of the following:

27 (1) Provide the court and parties with a sworn statement indicating that an
28 investigation has been conducted and that all asbestos trust claims that can be made
29 by the claimant have been completed and filed. The sworn statement shall indicate

1 whether there has been a request to defer, delay, suspend, toll, withdraw, or
2 otherwise alter the standing of an asbestos trust claim and provide the status and
3 disposition of each asbestos trust claim. A deferral or placeholder claim that is
4 missing necessary documentation for the trust to pay the claim does not meet the
5 requirements of this Section.

6 (2) Provide all parties with all trust claim materials from all firms connected
7 to the claimant in relation to exposure to asbestos, including trust claim materials
8 that relate to conditions other than those that are the basis for the asbestos action.

9 (3) Produce all available trust claims filed by an individual other than the
10 claimant if the claimant's asbestos action is based on exposure to asbestos through
11 that other individual and the materials are available to the claimant or claimant's
12 counsel.

13 (4) File a sworn statement including all of the following:

14 (a) The name, date of birth, marital status, occupation, smoking history,
15 current and past residences and work sites, and current and past employers of the
16 exposed person, and any other person through whom the exposed person alleges
17 exposure to asbestos.

18 (b) The name and address of each person who is knowledgeable about each
19 exposure and the exposed person's relationship to that person.

20 (c) The manufacturer and seller of each asbestos containing product to which
21 the exposed person was exposed or the other person was exposed if exposure was
22 through another person.

23 (d) The sites and the location at the sites that establish the direct connection
24 between the exposed person, or the other person if exposure was through another
25 person, and each defendant.

26 (e) The beginning and ending dates of each exposure, the manner of each
27 exposure, the frequency and duration of each exposure, and the proximity of the
28 asbestos containing product or its use to the exposed person and each person through
29 whom the exposed person alleges exposure to the asbestos.

1 (f) The asbestos related disease that is alleged.

2 (5) Produce all supporting documentation relating to the information
3 required in Paragraph (4) of this Section.

4 (6) A claimant shall supplement the sworn statement and materials required
5 to be provided pursuant to this Section when the claimant files an additional asbestos
6 trust claim, supplements an existing asbestos trust claim, receives information that
7 is required to be disclosed or becomes aware that a prior disclosure was inaccurate
8 or incomplete, or receives additional trust claim materials related to an asbestos trust
9 claim made against an asbestos trust.

10 (7) Discovery shall not commence against a defendant in an asbestos action
11 until the defendant's product or premises is identified in the disclosures required by
12 Paragraph (4) of this Section.

13 §3595. Identification of asbestos trust claims by defendant

14 A. Not less than sixty days before trial in an asbestos action, if a defendant
15 believes the claimant has not filed all asbestos trust claims as required by the
16 provisions of R.S. 9:3594, the defendant may move the court for an order to require
17 the claimant to file additional trust claims specified by the defendant.

18 B. If the court determines that there is a sufficient basis for the claimant to
19 file an asbestos trust claim identified in the defendant's motion, the court shall order
20 the claimant to file the asbestos trust claim and produce all related trust claim
21 materials. The court shall not set the asbestos action for trial earlier than ninety days
22 after the claimant complies with this Section.

23 §3596. Asbestos trust discovery; use of materials

24 A. A defendant in an asbestos action may seek discovery against an asbestos
25 trust. The claimant shall not claim privilege or confidentiality to bar discovery. The
26 claimant shall provide consent or any other expression or permission that may be
27 required by the asbestos trust to release information and materials sought by the
28 defendant.

1 B. Trust claim materials and trust governance documents are presumed to
2 be relevant and authentic and are admissible in evidence in an asbestos action. No
3 claims of privilege apply to trust claim materials or trust governance documents.

4 C. A claimant's submission of an asbestos trust claim and related trust claims
5 materials may be considered by the trier of fact to determine liability and apportion
6 fault in an asbestos action and shall be sufficient to support a finding that the
7 claimant was exposed to products for which the trust was established to provide
8 compensation and that the exposure was a substantial contributing factor in causing
9 the claimant's injury that is at issue in the asbestos action.

10 §3597. Dismissal of asbestos action

11 The court on motion by a defendant shall dismiss the asbestos action without
12 prejudice as to any of the following:

13 (1) Any defendant whose product or premises is not identified in the
14 disclosures required by Paragraph (4) of R.S. 9:3594.

15 (2) The moving defendant or as to all defendants, as applicable, if the
16 claimant fails to comply in whole or in part with the provisions of R.S. 9:3594.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 302 Original

2025 Regular Session

Wright

Abstract: Provides relative to transparency in asbestos actions.

Proposed law defines "asbestos action", "asbestos trust", "asbestos trust claim", "exposed person", "trust claim materials", and "trust governance document".

Proposed law (R.S. 9:3594) provides for the required disclosures by claimants within 30 days of filing an asbestos action.

Proposed law (R.S. 9:3595) provides for the identification of additional claims not less than 60 days before trial if a defendant believes the claimant has not filed all asbestos trust claims.

Proposed law (R.S. 9:3596) provides that a defendant in an asbestos action may seek discovery against an asbestos trust. Trust claim materials and trust governance documents are presumed to be relevant.

Proposed law provides that a claimant's submission of an asbestos trust claim shall be sufficient to support a finding that the claimant was exposed to products for which the trust was established to provide compensation and that the exposure was a contributing cause to the claimant's injury.

Proposed law (R.S. 9:3597) provides for the dismissal of an asbestos action without prejudice as to:

- (1) Any defendant whose product or premises is not identified in the disclosures.
- (2) The moving defendant or as to all defendants if the claimant fails to comply in whole or in part with the required disclosures.

(Adds R.S. 9:3592- 3597)