

FIRST REGULAR SESSION

# SENATE BILL NO. 317

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Read 1st time January 28, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1625S.01I

## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil claims for relief due to silica exposure.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 537, RSMo, is amended by adding thereto one new  
2 section, to be known as section 537.900, to read as follows:

**537.900. 1. This section shall be known and may be cited as the**  
2 **"Silica Claims Priorities Act".**

3 **2. As used in this section, the following terms mean:**

4 **(1) "Silica", a respirable crystalline form of the naturally**  
5 **occurring mineral form of silicon dioxide including, but not limited to,**  
6 **quartz, cristobalite, and tridymite;**

7 **(2) "Silica claim", any claim for damages, losses, indemnification,**  
8 **contribution, or other relief of whatever nature arising out of, based**  
9 **on, or in any way related to the alleged health effects associated with**  
10 **the inhalation of silica, including loss of consortium, personal injury or**  
11 **death, mental or emotional injury, risk or fear of disease or other**  
12 **injury, or the costs of medical monitoring or surveillance, to the extent**  
13 **such claims are recognized under state law, and any claim made by or**  
14 **on behalf of any person exposed to silica dust, or a representative,**  
15 **spouse, parent, child, or other relative of the exposed person. The term**  
16 **does not include a claim for compensatory benefits under chapter 287**  
17 **or a veterans' benefits program;**

18 **(3) "Silicosis", fibrosis of the lung produced by inhalation of**  
19 **silica, including acute silicosis, accelerated silicosis, and chronic**  
20 **silicosis.**

21 **3. No person shall bring or maintain a silica claim related to an**

22 alleged silicosis or an alleged silica-related condition in the absence of  
23 a prima facie showing of physical impairment as a result of a medical  
24 condition for which exposure to silica is a substantial factor. Such a  
25 prima facie showing shall be made as to each defendant and include a  
26 detailed narrative medical report and diagnosis by a licensed physician  
27 that includes all of the following:

28 (1) Evidence verifying that the diagnosing, licensed physician  
29 has taken a detailed occupational, exposure, medical, and smoking  
30 history from the exposed person or, if that person is deceased, from a  
31 person who is knowledgeable regarding such history;

32 (2) Evidence verifying that the exposed person has silicosis,  
33 based at a minimum on radiological and pathological evidence of  
34 silicosis;

35 (3) Evidence verifying there has been a sufficient latency period  
36 for the applicable type of silicosis;

37 (4) A determination by the diagnosing, licensed physician, on the  
38 basis of a personal medical examination and pulmonary function  
39 testing of the exposed person, or if the exposed person is deceased,  
40 based upon the person's medical records, that the exposed person has  
41 had a permanent respiratory impairment rating of at least Class 2 as  
42 defined by and evaluated under the American Medical Association's  
43 Guides to the Evaluation of Permanent Impairment; and

44 (5) Evidence verifying that the diagnosing, licensed physician  
45 has concluded that the exposed person's impairment was not more  
46 probably the result of causes other than silica exposure. A conclusion  
47 by the licensed physician that states that the impairment is consistent  
48 or compatible with silica exposure or silica-related disease does not  
49 meet the requirements of this subdivision.

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