

SENATE BILL NO. 1621

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

7045S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil actions for medical monitoring.

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

Section A. Chapter 537, RSMo, is amended by adding thereto
2 one new section, to be known as section 537.1600, to read as
3 follows:

537.1600. 1. No standalone cause of action for
2 medical monitoring exists under the laws of this state.
3 Increased risk of disease, whether accompanied by
4 physiological or other changes in the human body, is not
5 itself compensable through damages or any other form of
6 relief, regardless of the legal theory being asserted.

7 2. In any civil action, no defendant shall be required
8 to pay damages or provide any other type of legal,
9 injunctive, or equitable relief for a plaintiff's future
10 medical surveillance, screening tests, or monitoring
11 procedures unless the plaintiff proves, in addition to the
12 other requirements for the underlying cause of action, that:

13 (1) The future medical surveillance, screening tests,
14 or monitoring procedures sought are directly related to, and
15 necessitated by, a presently existing and diagnosable
16 physical disease or injury of the plaintiff;

17 (2) The future medical surveillance, screening tests,
18 or monitoring procedures are distinct from the medical
19 surveillance, screening tests, or monitoring procedures
20 recommended in the absence of the preexisting physical
21 disease or injury and related exposure; and

22 (3) The plaintiff's presently existing physical
23 disease or injury was caused by the defendant's tortious
24 conduct.

25 3. For purposes of subsection 2 of this section, the
26 mere presence of a toxic substance in the bloodstream shall
27 not constitute a presently existing and diagnosable physical
28 disease or injury.

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