

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**Engrossed**

**Senate Bill 657**

BY SENATOR BLAIR

[Introduced February 20, 2016;

Referred to the Committee on the Judiciary]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §55-7-30, relating to damages for medical monitoring; establishing  
3 requirements for an order for payment of medical monitoring expenses; and providing that  
4 an increased risk of disease is not a compensable basis for damages in any civil action.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §55-7-30, to read as follows:

**ARTICLE 7. ACTIONS FOR INJURIES.**

**§55-7-30. Limitations on medical monitoring damages.**

1 In any civil action in which a court orders a defendant to pay for a plaintiff's future medical  
2 surveillance, screening tests, or monitoring procedures, no plaintiff shall be awarded or paid any  
3 moneys to cover the cost of his or her future medical surveillance, screening tests, or monitoring  
4 procedures until they have been completed. The court shall order that the liable defendant make  
5 periodic payments into a fund established to pay the cost of future medical surveillance, screening  
6 tests, or monitoring procedures that are required by the judgment of the court. The court shall  
7 determine how such fund will be administered. The court shall also determine the date after which  
8 such future medical surveillance, screening tests, or monitoring procedures are no longer  
9 required, and after that date any moneys remaining in the fund that are not needed to pay for  
10 medical surveillance, screening tests, or monitoring procedures completed prior to such  
11 termination date shall be repaid to the liable defendant who paid such amounts into the fund. If  
12 there are multiple such defendants, then repayments shall be made in proportion to the total  
13 contributions of each defendant into the fund.