

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5324

By Delegate Rohrbach

[Introduced February 09, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §55-7G-9 of the Code of West Virginia, 1931, as amended, relating
 2 to the statute of limitations for asbestos and silica litigation; and clarifying when a cause of
 3 action may be brought.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7G. ASBESTOS AND SILICA CLAIMS PRIORITIES ACT.

§55-7G-9. Statute of limitations; two-disease rule.

1 (a) With respect to an asbestos or silica action not barred by limitations as of this article's
 2 effective date, an exposed person's cause of action shall not accrue, nor shall the running of
 3 limitations commence, prior to the earlier of the date:

4 (1) The exposed person received a medical diagnosis of an asbestos-related impairment
 5 or silica-related impairment;

6 (2) The exposed person discovered facts that would have led a reasonable person to
 7 obtain a medical diagnosis with respect to the existence of an asbestos-related impairment or
 8 silica-related impairment; or

9 (3) The date of death of the exposed person having an asbestos-related or silica-related
 10 impairment.

11 (b) Nothing in this section shall be construed to revive or extend limitations with respect to
 12 any claim for asbestos-related impairment or silica-related impairment that was otherwise time-
 13 barred on the effective date of this article.

14 (c) Nothing in this section shall be construed so as to adversely affect, impair, limit, modify,
 15 or nullify any settlement or other agreements with respect to an asbestos or silica action entered
 16 into prior to the effective date of this article.

17 (d) An asbestos or silica action arising out of a nonmalignant condition shall be a distinct
 18 cause of action from an action for an asbestos-related or silica-related cancer. Where otherwise
 19 permitted under state law, no damages shall be awarded for fear or increased risk of future
 20 disease in an asbestos or silica action.

21 (e) Notwithstanding the provisions of this section, a plaintiff in an asbestos or silica action
22 may not bring an action against the manufacturers of equipment used in coal mining, that was
23 created as a result of compliance with Federal Mine Safety and Health Administration
24 requirements when the equipment was originally manufactured, based on any theory or doctrine,
25 except within the applicable limitations period and, in any event, within 12 years from the date of
26 first sale, lease or delivery of possession by the manufacturers or 10 years from the date of first
27 sale, lease or delivery of possession to its initial user, consumer, or other non-seller, whichever
28 period expires earlier, of any equipment used in coal mining that is claimed to have injured or
29 damaged the plaintiff, unless the manufacturers of equipment used in coal mining have expressly
30 warranted or promised the product for a longer period and the action is brought within that period.

NOTE: The purpose of this bill is to amend the procedures for the handling of asbestos and silica litigation and to enhance the ability of the judicial system to manage such litigation.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.