

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 666

By Senators Helton, Rose, and Tarr

[Introduced January 29, 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 asbestos or silica; and determining liability for exposures to asbestos or silica.

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
18 distinct cause of action from an action for an asbestos-related or silica-related cancer.
19 Where otherwise permitted under state law, no damages shall be awarded for fear or
20 increased risk of future 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 when the applicable limitations period and, in any event, within 12 years from the date of
26 the first sale, lease, or delivery of possession by the manufacturers or 10 years from the date of
27 first sale, lease, or delivery of possession to its initial user, consumer, or other non-seller,
28 whichever period expires earlier, of any equipment used in coal mining that is claimed to have
29 injured or damaged the plaintiff, unless the manufacturers of equipment used in coal mining have
30 expressly warranted or promised the product for a longer period and the action is brought within
31 that period.

NOTE: The purpose of this bill is to amend the procedures for 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.