

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 694**

Introduced by Blood, 3.

Read first time January 05, 2022

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil actions; to amend section 25-224,
- 2 Reissue Revised Statutes of Nebraska; to provide for a statute of
- 3 limitations for exposure to certain chemicals, prescription drugs,
- 4 or medical devices; to define terms; to harmonize provisions; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-224, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 25-224 (1) All product liability actions, except one governed by  
4 subsection (5) or (6) of this section, shall be commenced within four  
5 years next after the date on which the death, injury, or damage  
6 complained of occurs.

7 (2)(a) Notwithstanding subsection (1) of this section or any other  
8 statutory provision to the contrary, any product liability action, except  
9 one governed by section 2-725, Uniform Commercial Code or by subsection  
10 (5) or (6) of this section, shall be commenced as follows:

11 (i) For products manufactured in Nebraska, within ten years after  
12 the date the product which allegedly caused the personal injury, death,  
13 or damage was first sold or leased for use or consumption; or

14 (ii) For products manufactured outside Nebraska, within the time  
15 allowed by the applicable statute of repose, if any, of the state or  
16 country where the product was manufactured, but in no event less than ten  
17 years. If the state or country where the product was manufactured does  
18 not have an applicable statute of repose, then the only limitation upon  
19 the commencement of an action for product liability shall be as set forth  
20 in subsection (1) of this section.

21 (b) If the changes made to this subsection by Laws 2001, LB 489, are  
22 declared invalid or unconstitutional, this subsection as it existed prior  
23 to September 1, 2001, shall be deemed in full force and effect and shall  
24 apply to all claims in which a final order has not been entered.

25 (3) The limitations contained in subsection (1), (2), ~~or (5)~~, or (6)  
26 of this section shall not be applicable to indemnity or contribution  
27 actions brought by a manufacturer or seller of a product against a person  
28 who is or may be liable to such manufacturer or seller for all or any  
29 portion of any judgment rendered against a manufacturer or seller.

30 (4) Notwithstanding the provisions of subsections (1) and (2) of  
31 this section, any cause of action or claim which any person may have on

1 July 22, 1978, may be brought not later than two years following such  
2 date.

3 (5) Any action to recover damages based on injury allegedly  
4 resulting from exposure to asbestos composed of chrysotile, amosite,  
5 crocidolite, tremolite, anthrophyllite, actinolite, or any combination  
6 thereof, shall be commenced within four years after the injured person  
7 has been informed of discovery of the injury by competent medical  
8 authority and that such injury was caused by exposure to asbestos as  
9 described herein, or within four years after the discovery of facts which  
10 would reasonably lead to such discovery, whichever is earlier. No action  
11 commenced under this subsection based on the doctrine of strict liability  
12 in tort shall be commenced or maintained against any seller of a product  
13 which is alleged to contain or possess a defective condition unreasonably  
14 dangerous to the buyer, user, or consumer unless such seller is also the  
15 manufacturer of such product or the manufacturer of the part thereof  
16 claimed to be defective. Nothing in this subsection shall be construed to  
17 permit an action to be brought based on an injury described in this  
18 subsection discovered more than two years prior to August 30, 1981.

19 (6)(a) An action to recover damages based on injury or death that is  
20 caused by exposure to a hazardous or toxic chemical or a prescription  
21 drug or device or legend drug or device shall be commenced within ten  
22 years next after the cause of action accrues.

23 (b) Such a cause of action accrues upon the earlier of the date on  
24 which the plaintiff:

25 (i) Is informed by competent medical authority that the injury or  
26 death is related to the exposure to such chemical, drug, or device; or

27 (ii) By the exercise of reasonable diligence, should have known that  
28 the injury or death is related to the exposure to such chemical, drug, or  
29 device.

30 (c) For purposes of this section, prescription drug or device or  
31 legend drug or device has the same meaning as in section 38-2841.

1           (d) This subsection does not apply to actions described in  
2 subsection (5) of this section.

3           Sec. 2.   Original section 25-224, Reissue Revised Statutes of  
4 Nebraska, is repealed.