

S.37 House Judiciary draft 5.2	9 th Circuit (Abuan v. General Elec. 1993)	Utah (Hansen v. Mountain Fuel Supply Co.) 1993	West Virginia (Bower v. Westinghouse 1999)	Maryland (Exxon Mobil v. Albright 2013)	Pennsylvania (Redland Soccer Club v. Dept. of the Army 1997)	Florida (Petito v. A.H. Robins Co. 1999)
The person was exposed	Plaintiff was significantly exposed	Exposure	He or she has, relative to the general population, been significantly exposed	The plaintiff was significantly exposed	Exposure greater than normal background levels	Exposure greater than normal background levels
To the toxic substance (which may be one to which exposure can be shown by expert testimony to increase the risk of developing a latent disease)	To a proven hazardous substance	To a toxic substance	To a proven hazardous substance	To a proven hazardous substance	To a proven hazardous substance	To a proven hazardous substance
As a result of tortious conduct by the owner or operator, or persons under the control of the owner or operator, who released the toxic substance	Through the negligent actions of the defendant	Which exposure was caused by the defendant's negligence	Through the tortious conduct of the defendant	Through the defendant's tortious conduct	Caused by the defendant's negligence	Caused by the defendant's negligence
As a proximate result of the release, the person has a greater risk of contracting a latent disease	As a proximate result of the exposure, plaintiff suffers a significantly increased risk of	Resulting in an increased risk of a serious disease, illness, or injury	As a proximate result of the exposure, plaintiff has suffered an increased risk of	As a proximate result of significant exposure, the plaintiff suffers a significantly	As a proximate result of the exposure, plaintiff has a significantly increased risk of contracting a	As a proximate result of the exposure, plaintiff has a significantly increased risk of contracting a

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	contracting a serious latent disease		contracting a serious disease	increased risk of contracting a latent disease	serious latent disease	serious latent disease
Diagnostic testing is reasonably necessary. Testing is reasonably necessary if, shown by expert testimony, a physician would prescribe diagnostic testing because the person's increased risk of contracting the disease due to the exposure makes it reasonably necessary to undergo diagnostic testing different from what would normally be prescribed in the absence of the exposure	That increased risk makes periodic diagnostic examinations reasonably necessary	For which early detection is beneficial, meaning that a treatment exists that can alter the course of the illness; and which test has been prescribed by a qualified physician according to contemporary scientific principles	The increased risk of disease makes it reasonably necessary for the plaintiff to undergo periodic diagnostic medical examinations different from what would be prescribed in the absence of the exposure	That increased risk makes periodic diagnostic medical examinations reasonably necessary	The prescribed monitoring regime is different from that normally recommended in the absence of exposure; and the prescribed monitoring regime is reasonably necessary according to contemporary scientific principles	The prescribed monitoring regime is different from that normally recommended in the absence of exposure; and the prescribed monitoring regime is reasonably necessary according to contemporary scientific principles
Medical tests or procedures exist to detect the latent disease	Monitoring and testing procedures exist which make the early	For which a medical test for early detection exists	Monitoring procedures exist	Monitoring and testing procedures exist which make the early	A monitoring procedure exists that makes the early detection of the disease possible	A monitoring procedure exists that makes the early detection of the disease possible

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	detection and treatment of the disease possible and beneficial			detection and treatment of the disease possible and beneficial		