

1 these products have no control over these fabrica-
2 tors.

3 (3) The alteration of such products is heavily
4 regulated by Federal and State workplace safety
5 laws and regulations, including section 1910.1053 of
6 title 29, Code of Federal Regulations, and California
7 Labor Code Section 5204, which require a variety of
8 safety measures that fabricators must employ in
9 order to mitigate the risk of potential injuries posed
10 by silica dust. However, some fabricators fail to
11 comply with these requirements and thereby expose
12 their employees and others to the potential harms
13 that these laws and regulations are intended to pre-
14 vent.

15 (4) Businesses located or conducting business
16 in the United States that are engaged in interstate
17 and foreign commerce through the lawful design,
18 manufacture, marketing, distribution, importation,
19 or sale to third-parties of certain stone slab products
20 are not responsible, and should not be held liable,
21 for the alleged injuries caused by those who alter the
22 product in a way that is unsafe or violates Federal
23 and State laws and regulations.

24 (5) The possibility of imposing liability on an
25 entire industry for alleged injuries that are solely

1 caused by others is an abuse of the legal system,
2 erodes public confidence in our Nation's laws, invites
3 the disassembly and destabilization of other indus-
4 tries and economic sectors lawfully competing in the
5 free enterprise system of the United States, and con-
6 stitutes an unreasonable burden on interstate and
7 foreign commerce of the United States.

8 (6) A proliferation of frivolous lawsuits against
9 manufacturers and sellers of stone slab products for
10 alleged workplace injuries caused by the actions of
11 third-parties unrelated to and beyond the control of
12 these manufacturers and sellers may further limit
13 access to courts by straining the resources of the
14 legal system and depriving deserving parties of their
15 legitimate rights to relief.

16 (b) PURPOSES.—The purposes of this Act are as fol-
17 lows:

18 (1) To prohibit civil actions against manufac-
19 turers and sellers of stone slab products for injuries
20 caused by exposure to respirable silica or other sub-
21 stances arising from or relating to the fabrication of
22 such products by third-parties.

23 (2) To preserve consumers' access to a supply
24 of stone slab products, to protect manufacturers and
25 sellers from frivolous civil actions alleging liability

1 for such injuries, and to preserve a lawful industry
2 that employs tens of thousands of Americans in sev-
3 eral States.

4 (3) To prevent the use of such civil actions to
5 impose unreasonable burdens on interstate and for-
6 eign commerce.

7 (4) To exercise congressional power under arti-
8 cle IV, section 1 of the Constitution (the Full Faith
9 and Credit Clause).

10 **SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL**
11 **ACTIONS IN FEDERAL OR STATE COURT.**

12 (a) IN GENERAL.—A qualified civil action may not
13 be brought in any Federal or State court.

14 (b) DISMISSAL OF PENDING ACTIONS.—A qualified
15 civil action that is pending on the date of enactment of
16 this Act shall be dismissed, as soon as is practicable after
17 the date of enactment of this Act, by the court in which
18 the action is pending.

19 **SEC. 4. DEFINITIONS.**

20 In this Act:

21 (1) FABRICATION.—The term “fabrication”
22 means the process of altering a qualified product by
23 cutting, drilling, shaping, polishing, grinding, or
24 other similar means.

1 (2) QUALIFIED CIVIL ACTION.—The term
2 “qualified civil action” means a civil action brought
3 against a manufacturer or seller of a qualified prod-
4 uct for harm suffered from silicosis or other condi-
5 tions relating to or associated with silicosis resulting
6 or arising from the occupational exposure to crys-
7 talline silica or other substances generated during
8 fabrication of a qualified product, but does not in-
9 clude an action in which the manufacturer or seller
10 was an employer of the injured party.

11 (3) QUALIFIED PRODUCT.—The term “qualified
12 product” means a stone slab product, including such
13 a product made with or containing quartz, mineral,
14 crystal, glass, porcelain, or other stone, ceramic or
15 similar material, that has been shipped or trans-
16 ported in interstate or foreign commerce, the fab-
17 rication of which is subject to Federal or State occu-
18 pational health and safety statutes and regulations,
19 including those pertaining to respirable crystalline
20 silica.

21 (4) SELLER.—The term “seller” means an im-
22 porter, a distributor, a retailer, or a supplier of a
23 qualified product.

24 (5) STATE.—The term “State” includes each of
25 the several States of the United States, the District

1 of Columbia, the Commonwealth of Puerto Rico, the
2 United States Virgin Islands, Guam, American
3 Samoa, and the Commonwealth of the Northern
4 Mariana Islands, and any other territory or posses-
5 sion of the United States, and any political subdivi-
6 sion of any such place.

