

STATE OF NEW YORK

7333

2025-2026 Regular Sessions

IN SENATE

April 10, 2025

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the time frame to commence an action for certain victims who were exposed to a toxic substance; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "toxic
2 victim justice act".

3 § 2. Subdivision 2 of section 214-c of the civil practice law and
4 rules, as added by chapter 682 of the laws of 1986, is amended to read
5 as follows:

6 2. Notwithstanding the provisions of section [~~214~~] two hundred four-
7 teen of this article, the three year period within which an action to
8 recover damages for personal injury or injury to property caused by the
9 latent effects of exposure to any substance or combination of
10 substances, in any form, upon or within the body or upon or within prop-
11 erty must be commenced shall be computed from the date of discovery of
12 the injury by the plaintiff, which is presumed to be the date the diag-
13 nosis was conveyed to the plaintiff or claimant, or from the date when
14 through the exercise of reasonable diligence such injury should have
15 been discovered by the plaintiff, whichever is earlier.

16 § 3. Subdivision 4 of section 214-c of the civil practice law and
17 rules is REPEALED and a new subdivision 4 is added to read as follows:

18 4. (a) A plaintiff or claimant who discovers an injury described in
19 subdivision two of this section, without knowing the specific toxic
20 etiological cause or source of the injury, may, when otherwise not
21 authorized by the time period authorized by subdivision two or three of
22 this section, commence an action or file a claim one year from the
23 earlier of: (i) the date the plaintiff or claimant subsequently discov-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

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1 ers the specific toxic etiological cause or source of the injury, or
2 (ii) the date the plaintiff or claimant with reasonable diligence should
3 have discovered the cause or source of the injury.

4 (b) A plaintiff or claimant filing a claim or cause of action after
5 the time period authorized by subdivision two or three of this section
6 shall, in addition to satisfying any other requirements of those subdi-
7 visions, allege and prove either that: (i) technical, scientific or
8 medical knowledge and information sufficient to ascertain the cause or
9 source of the injury had not been discovered, identified or determined,
10 or that (ii) after diligent effort the cause or source of the injury was
11 not known to the plaintiff or claimant prior to such period.

12 § 4. This act shall take effect immediately.