HOUSE JOINT RESOLUTION NO. HJ0011

Noneconomic damages-constitutional amendment.

Sponsored   by: Representative(s)   Kasperik,   Baldwin,
Burkhart, Halverson, Harvey and Stubson and
Senator(s) Burns, Christensen, Kinskey and
Von Flatern

A BILL

for

1 A   JOINT   RESOLUTION   proposing   to   amend   the   Wyoming

2 Constitution to modify, in health care provider cases, the

3 general prohibition against the legislature limiting the

4 amount   of   damages   that   may   be   recovered   for   causing

5 personal injury or death of any person.

6

7 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*

8 two-thirds of all the members of the two houses, voting

9 separately, concurring therein:

10

11   **Section 1.** The following proposal to amend Wyoming

12 Constitution, Article 10, Section 4(a) and (b) is proposed

13 for submission to the electors of the State of Wyoming at

14 the   next   general   election   for   approval   or   rejection   to

1 become valid as a part of the Constitution if ratified by a

2 majority of the electors at the election:

3

4   **Article 10, Section 4. Damages for personal injuries**

5 **or death; worker's compensation.**

6

7   (a) No law shall be enacted limiting the amount of

8 damages to be recovered for causing the injury or death of

9 any person, except as otherwise provided in this section.

10

11   (b) Any section of this constitution to the contrary

12 notwithstanding, for any civil action where a person

13 alleges that a health care provider's act or omission in

14 the provision of health care resulted in death or injury,

15 the legislature may by general law:

16

17   (i) May mandate alternative dispute resolution

18 or review by a medical review panel before the filing of a

19 civil action against the health care provider;. and

20

21   (ii) May limit the amount to be recovered from

22 the health care provider for noneconomic damages resulting

23 from the death or injury, provided the legislature shall

1   not limit the noneconomic damages recoverable by a person

2   against any one (1) health care provider for any single

3   occurrence to an amount less than five hundred thousand

4   dollars ($500,000.00).

5

6   **Section 2.** That the Secretary of State shall endorse

7   the following statement on the proposed amendment:

8

9   This amendment would allow the Wyoming legislature to enact

10 laws limiting the amount of damages for noneconomic loss

11 that could be awarded for injury or death caused by a

12 health care provider. "Noneconomic loss" generally

13 includes, but is not limited to, losses such as pain and

14 suffering, inconvenience, mental anguish, loss of capacity

15 for enjoyment of life, loss of consortium, and other losses

16 the claimant is entitled to recover as damages under

17 general law. The legislature could not limit this amount

18 to less than five hundred thousand dollars ($500,000.00).

19

20 This amendment will not in any way affect the recovery of

21 damages for economic loss under Wyoming law. "Economic

22 loss" generally includes, but is not limited to, monetary

23 losses such as past and future medical expenses, loss of

1 past and future earnings, loss of use of property, costs of

2 repair or replacement, the economic value of domestic

3 services, or loss of employment or business opportunities.

4

5 This amendment will not in any way affect the recovery of

6 any additional damages known under Wyoming law as exemplary

7 or punitive damages, which are damages allowed by law to

8 punish a defendant and to deter persons from engaging in

9 similar conduct in the future.

10

11 **Section 3.** There is appropriated thirty thousand

12 dollars ($30,000.00) from the general fund to the secretary

13 of state. This appropriation shall only be expended for

14 the purpose of costs of publication required by this act

15 and W.S. 22-20-104. Notwithstanding any other provision of

16 law, this appropriation shall not be transferred or

17 expended for any other purpose and any unexpended,

18 unobligated funds remaining from this appropriation shall

19 revert as provided by law on June 30, 2017. This section

20 is effective July 1, 2015.

21

22 (END)