

HOUSE JOINT RESOLUTION NO. HJ0006

Noneconomic damages-constitutional amendment.

Sponsored by: Representative(s) Hallinan, Cohee, Davison,
Hammons, Jaggi, Jorgensen, McOmie, Millin,
Wallis and Zwonitzer, Dv. and Senator(s)
Larson and Meyer

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~~ 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
24 not limit the noneconomic damages recoverable by a person

1 against any one (1) health care provider for any single
2 occurrence to an amount less than two hundred fifty
3 thousand dollars (\$250,000.00).

4

5 **Section 2.** That the Secretary of State shall endorse
6 the following statement on the proposed amendment:

7

8 This amendment would allow the Wyoming legislature to enact
9 laws limiting the amount of damages for noneconomic loss
10 that could be awarded for injury or death caused by a
11 health care provider. "Noneconomic loss" generally
12 includes, but is not limited to, losses such as pain and
13 suffering, inconvenience, mental anguish, loss of capacity
14 for enjoyment of life, loss of consortium, and other losses
15 the claimant is entitled to recover as damages under
16 general law. The legislature could not limit this amount
17 to less than two hundred fifty thousand dollars
18 (\$250,000.000).

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

1 repair or replacement, the economic value of domestic
2 services, or loss of employment or business opportunities.

3

4 This amendment will not in any way affect the recovery of
5 any additional damages known under Wyoming law as exemplary
6 or punitive damages, which are damages allowed by law to
7 punish a defendant and to deter persons from engaging in
8 similar conduct in the future.

9

10 **Section 3.** There is appropriated one hundred thousand
11 dollars (\$100,000.00) from the general fund to the
12 secretary of state. This appropriation shall only be
13 expended for the purpose of costs of publication required
14 by this act and W.S. 22-20-104. Notwithstanding any other
15 provision of law, this appropriation shall not be
16 transferred or expended for any other purpose and any
17 unexpended, unobligated funds remaining from this
18 appropriation shall revert as provided by law on June 30,
19 2012. This section is effective July 1, 2010.

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21

(END)