



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0015

Introduced 5/17/2023, by Rep. Bradley Fritts

SYNOPSIS AS INTRODUCED:

ILCON Art. IV Sec. 13.5 new

Proposes to amend the Legislature Article of the Illinois Constitution. Provides that the General Assembly may determine by statute the limit of liability for all damages and losses other than economic damages of a provider of medical or health care with respect to treatment, lack of treatment, or other claimed departure from an accepted standard of medical or health care or safety that is or is claimed to be a cause of or that contributes or is claimed to contribute to the disease, injury, or death of a person. Requires a majority vote of all the members elected to each house to pass legislation to limit liability on non-economic damages and requires that the legislation cite this Section. Effective upon being declared adopted.

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1 HOUSE JOINT RESOLUTION
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
 4 HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
 5 SENATE CONCURRING HEREIN, that there shall be submitted to the
 6 electors of the State for adoption or rejection at the general
 7 election next occurring at least 6 months after the adoption
 8 of this resolution a proposition to add Section 13.5 to
 9 Article IV of the Illinois Constitution as follows:

10 ARTICLE IV
 11 THE LEGISLATURE

12 (ILCON Art. IV Sec. 13.5 new)

13 SECTION 13.5. LIMITATION ON LIABILITY FOR NON-ECONOMIC DAMAGES

14 (a) In this Section, "economic damages" means compensatory
 15 damages for any pecuniary loss or damage. The term does not
 16 include any loss or damage for past, present, and future
 17 physical pain and suffering, mental anguish and suffering,
 18 loss of consortium, loss of companionship and society,
 19 disfigurement, or physical impairment.

20 (b) Notwithstanding any other provision of this
 21 Constitution, the General Assembly may determine by statute
 22 the limit of liability for all damages and losses other than
 23 economic damages of a provider of medical or health care with

1 respect to treatment, lack of treatment, or other claimed
2 departure from an accepted standard of medical or health care
3 or safety that is or is claimed to be a cause of or that
4 contributes or is claimed to contribute to the disease,
5 injury, or death of a person. This subsection (b) applies
6 without regard to whether the claim or cause of action arises
7 under or is derived from common law, a statute, or other law,
8 including any claim or cause of action based or sounding in
9 tort, contract, or any other theory or any combination of
10 theories of liability. The claim or cause of action includes a
11 medical or health care liability claim as defined by the
12 General Assembly.

13 (c) This Section applies to any law enacted by the General
14 Assembly on or after the effective date of this amendment to
15 the Constitution.

16 (d) A legislative exercise of authority under subsection
17 (b) of this Section requires a majority vote of all the members
18 elected to each house and must include language citing this
19 Section.

20 SCHEDULE

21 This Constitutional Amendment takes effect upon being
22 declared adopted in accordance with Section 7 of the Illinois
23 Constitutional Amendment Act.