



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0014

Introduced 2/23/2005, by Rep. Tom Cross - Ruth Munson - David Reis - Elizabeth Coulson - Aaron Schock, et al.

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 to pass legislation to limit liability on non-economic damages and requires that the legislation cite this Section. Effective upon being declared adopted.

LRB094 09329 LCB 39570 e

1 HOUSE JOINT RESOLUTION
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
 4 NINETY-FOURTH 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 of
 8 this resolution a proposition to add Section 13.5 to Article IV
 9 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, loss
 18 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 the
 22 limit of liability for all damages and losses other than
 23 economic damages of a provider of medical or health care with
 24 respect to treatment, lack of treatment, or other claimed
 25 departure from an accepted standard of medical or health care
 26 or safety that is or is claimed to be a cause of or that
 27 contributes or is claimed to contribute to the disease, injury,
 28 or death of a person. This subsection (b) applies without
 29 regard to whether the claim or cause of action arises under or
 30 is derived from common law, a statute, or other law, including
 31 any claim or cause of action based or sounding in tort,
 32 contract, or any other theory or any combination of theories of
 33 liability. The claim or cause of action includes a medical or

1 health care liability claim as defined by the legislature.

2 (c) This Section applies to any law enacted by the General
3 Assembly on or after the effective date of this constitutional
4 amendment.

5 (d) A legislative exercise of authority under subsection
6 (b) of this Section requires a majority vote of all the members
7 elected to each house and must include language citing this
8 Section.

9 SCHEDULE

10 This Constitutional Amendment takes effect upon being
11 declared adopted in accordance with Section 7 of the Illinois
12 Constitutional Amendment Act.