



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0103

Introduced 2/17/2010, by Sen. David Luechtefeld - Bill Brady - Kirk W. Dillard - Randall M. Hultgren - Kyle McCarter, 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 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.

LRB096 20163 AJO 35718 e

1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
5 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 (IILCON 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

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, injury,
5 or death of a person. This subsection (b) applies without
6 regard to whether the claim or cause of action arises under or
7 is derived from common law, a statute, or other law, including
8 any claim or cause of action based or sounding in tort,
9 contract, or any other theory or any combination of theories of
10 liability. The claim or cause of action includes a medical or
11 health care liability claim as defined by the legislature.

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

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

19 SCHEDULE

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