

# HOUSE JOINT RESOLUTION NO. 22

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WHITE.

0738H.011

D. ADAM CRUMBLISS, Chief Clerk

### JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, and adopting one new section relating to limitation of liability for noneconomic damages.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2016, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

Section A. Article III, Constitution of Missouri, is amended by adding one new section, to be known as section 38(e), to read as follows:

**Section 38(e). 1. As used in this section, the term "economic damages" shall mean compensatory damages for any pecuniary loss or damage. The term does not include any loss or damage, however characterized, for past, present, and future physical pain and suffering, mental anguish and suffering, loss of consortium, loss of companionship and society, disfigurement, or physical impairment.**

**2. Notwithstanding any provision of this constitution, as of January 1, 2016, the limit of liability for all damages and losses, however characterized, 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, however characterized, that is or is claimed to be a cause of, or that contributes or is claimed to contribute to, disease, injury, or death of a person, shall be set by the**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 **general assembly. This subsection applies without regard to whether the claim or cause**  
13 **of action arises under or is derived from common law, a statute, or other law, including any**  
14 **claim or cause of action based or sounding in tort, contract, or any other theory or any**  
15 **combination of theories of liability.**

16 **3. Notwithstanding any other provision of this constitution, as of January 1, 2016,**  
17 **the limit of liability for all damages and losses, however characterized, other than economic**  
18 **damages, in a claim or cause of action not covered by subsection 2 of this section, shall be**  
19 **set by the general assembly. This subsection applies without regard to whether the claim**  
20 **or cause of action arises under or is derived from common law, a statute, other law,**  
21 **including any claim or cause of action based or sounding in tort, contract, or any other**  
22 **theory or any combination of theories of liability.**

23 **4. Notwithstanding any other provision of this constitution, the general assembly**  
24 **may modify by law the limit of liability set under subsections 2 and 3 of this section.**

25 **5. Any law passed by the general assembly under subsection 2, 3, or 4 of this section**  
26 **shall, to be effective, reference such subsection in the preamble or body of the act and**  
27 **otherwise comply with the requirements for passage of a bill as specified in this**  
28 **constitution.**

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