

HJR 22 -- LIMITATION OF LIABILITY FOR NONECONOMIC DAMAGES

SPONSOR: White

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Consumer Affairs by a vote of 8 to 4.

Upon voter approval, this proposed constitutional amendment limits, as of January 1, 2016, the liability for all damages and losses, other than economic damages, to an amount set by the General Assembly. The limits apply to any claim or cause of action, including the liability of a medical or health care provider with regard to the treatment, lack of treatment, or standard of care or safety and applies whether the claim or cause of action arises under or is derived from common law, a statute, or other law, including any claim or cause of action based or sounding in tort, contract, or any other theory or any combination of theories of liability. The General Assembly is authorized to modify by statute the limit of liability.

PROPONENTS: Supporters say that the bill will protect the state's doctors by preventing unfair jury verdicts and by reducing doctors' medical malpractice insurance premiums. The bill will also reduce health care costs by allowing doctors to stop practicing defensive medicine. Finally, the bill will encourage more doctors to locate their practices in Missouri.

Testifying for the bill were Representative White; Missouri Chamber Of Commerce And Industry; Norcal Mutual Insurance Company; The Doctor's Company; Missouri Grocers Association; Missouri Realtors Association; and Associated Industries Of Missouri.

OPPONENTS: Those who oppose the bill say that jurors are in the best position to determine what a fair amount of damages are. Further, the bill will violate the rights of jurors to assess damage. Finally, the bill will unfairly shift costs of medical malpractice off of doctors and onto patients.

Testifying against the bill was David M. Zevan, Missouri Association Of Trial Attorneys.