

**MEDICAL MALPRACTICE AMENDMENTS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Bryan D. Holladay**

AN ACT RELATING TO THE JUDICIAL CODE; REQUIRING THE MONETARY CAP ON NONECONOMIC DAMAGES IN MEDICAL MALPRACTICE CASES TO BE ADJUSTED FOR INFLATION EACH YEAR; CLARIFYING THAT THE ANNUAL INFLATION ADJUSTMENT ONLY APPLIES TO CAUSES OF ACTION THAT ARISE AFTER THE ADJUSTMENT IS MADE; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**78-14-7.1**, as enacted by Chapter 205, Laws of Utah 1986

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78-14-7.1** is amended to read:

**78-14-7.1. Limitation of award of noneconomic damages in malpractice actions.**

(1) In a malpractice action against a health care provider, an injured plaintiff may recover noneconomic losses to compensate for pain, suffering, and inconvenience. In no case shall the amount of damages awarded for such noneconomic loss exceed \$250,000. This limitation does not affect awards of punitive damages.

(2) The \$250,000 limitation in Subsection (1) shall apply to any cause of action that arises before July 1, 2000.

(3) (a) Beginning in 2000, the \$250,000 limitation established in Subsection (1) shall be adjusted for inflation each July 1.

(b) The amount resulting from Subsection (3)(a) shall:

(i) be rounded to the nearest \$10,000; and

(ii) apply to causes of action that arise on and after the date that the annual adjustment is made.

28            (c) The state treasurer shall annually certify the inflation-adjusted limitation before July  
29   15.

30            (4) As used in this section, "inflation" means the total percentage change in the Consumer  
31   Price Index for all items in the Western Region as determined by the federal Department of Labor  
32   since July 1, 1986.

33            Section 2. **Effective date.**

34            This act takes effect on July 1, 2000.

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**Legislative Review Note**

**as of 1-31-00 12:25 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**