

Kirk A. Cullimore proposes the following substitute bill:

Tort Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor:

LONG TITLE

General Description:

This bill addresses evidence in a civil tort action.

Highlighted Provisions:

This bill:

- defines terms;
- addresses evidence relating to a collateral source in a civil action for damages arising out of a tort; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-5-621, Utah Code Annotated 1953

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

Section 1. Section **78B-5-621** is enacted to read:

78B-5-621 . Evidence relating to a collateral source in a civil tort case.

(1) As used in this section:

- (a) "Collateral source" means the same as that term is defined in Section 78B-3-405.
- (b) "Health care provider" means the same as that term is defined in Section 78B-3-403.

(2) This section applies to a civil action for damages arising out of a tort, unless the action is a malpractice action against a health care provider as described in Title 78B, Chapter 3, Part 4, Utah Health Care Malpractice Act.

(3)(a) The following evidence is inadmissible for any purpose, including the

determination of liability, the assessment of damages, impeachment, or credibility:

(i) the existence of a collateral source;

(ii) an amount of a collateral source;

(iii) evidence that a medical expense or other cost related to an injury at issue in the action was paid, adjusted, waived, written off, or otherwise reduced or satisfied by a third party or as a result of a negotiated rate, including an adjustment under a public program such as Medicare or Medicaid;

(iv) whether the plaintiff has paid, or is personally obligated to pay, an amount for medical care or treatment resulting from an injury at issue in the action;

(v) evidence of an amount actually paid by a party or third-party for medical care or treatment resulting from an injury at issue in the action; and

(vi) the existence of a health care provider lien or right of subrogation related to the plaintiff's medical expenses or other claimed damages.

(b) Evidence described in Subsection (3)(a) may not be referenced, disclosed, or alluded to in any manner during trial, including through testimony, exhibits, examination of witnesses, or argument.

(4) A defendant may not reduce, limit, or deny a settlement offer or claim valuation based on the amount actually paid for medical care or treatment resulting from an injury at issue in the action, including a discounted or written off amount.

(5) During the action, a plaintiff may not be required to disclose any health care provider lien arising from the plaintiff's medical expenses or claimed damages related to an injury at issue in the action.

(6) If requested by a party, the court shall instruct the jury that the jury may not consider or speculate about the existence of a collateral source, lien, or the plaintiff's personal financial obligations for medical treatment.

Section 2. **Effective Date.**

This bill takes effect on May 6, 2026.