

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 45

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WHITE (Sponsor), BURLISON, KELLEY (127), BERRY,  
CRAWFORD, ENGLISH AND DAVIS (Co-sponsors).

4238H.02I

D. ADAM CRUMBLISS, Chief Clerk

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### 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.

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*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, 2014, 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, 2015, the limit of liability for all damages and losses, however characterized, other than economic and punitive 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**

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.

11 contributes or is claimed to contribute to, disease, injury, or death of a person, shall be set  
12 by the general assembly. This subsection applies without regard to whether the claim or  
13 cause of action arises under or is derived from common law, a statute, or other law,  
14 including any claim or cause of action based or sounding in tort, contract, or any other  
15 theory or any combination of theories of liability.

16 3. Notwithstanding any other provision of this constitution, as of January 1, 2015,  
17 the limit of liability for all damages and losses, however characterized, other than economic  
18 and punitive damages, in a claim or cause of action not covered by subsection 2 of this  
19 section, shall be set by the general assembly. This subsection applies without regard to  
20 whether the claim or cause of action arises under or is derived from common law, a statute,  
21 other law, including any claim or cause of action based or sounding in tort, contract, or any  
22 other 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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