

HOUSE BILL NO. 1349

Introduced by

Representatives Koppelman, O'Brien, D. Ruby, Vetter

Senators Hogan, Sickler, Roers, Kessel

1 A BILL for an Act to amend and reenact section 32-42-02 of the North Dakota Century Code,
2 relating to liability limits for health care malpractice actions or claims; to provide an effective
3 date; and to provide an expiration date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 32-42-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **32-42-02. Noneconomic damages limited - Reduction of award.**

8 1. With respect to a health care malpractice action or claim, the total amount of
9 compensation that may be awarded to a claimant or members of the claimant's family
10 for noneconomic damage resulting from an injury alleged under the action or claim
11 may not exceed ~~five hundred thousand dollars, regardless of the number of health-~~
12 ~~care providers and other defendants against whom the action or claim is brought or~~
13 ~~the number of actions or claims brought with respect to the injury.~~ one million dollars.

14 The liability limits under this section must be adjusted annually as follows:

15 a. On July 1, 2026, a total of one million five hundred thousand dollars.

16 b. On July 1, 2027, a total of two millions dollars.

17 c. On July 1, 2028, a total of two million five hundred thousand dollars.

18 2. The liability limits under this section do not apply to a health care malpractice action or
19 claim brought on behalf of an unborn fetus.

20 3. With respect to actions heard by a jury, the jury may not be informed of the limitation
21 contained in this section. If necessary, the court shall reduce the damages awarded by
22 a jury to comply with the limitation in this section.

23 **SECTION 2. AMENDMENT.** Section 32-42-02 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **32-42-02. Noneconomic damages limited - Reduction of award.**

2 1. With respect to a health care malpractice action or claim, the total amount of
3 compensation that may be awarded to a claimant or members of the claimant's family
4 for noneconomic damage resulting from an injury alleged under the action or claim
5 may not exceed ~~one million dollars. The liability limits under this section must be~~
6 ~~adjusted annually as follows:~~

7 a. ~~On July 1, 2026, a total of one million five hundred thousand dollars.~~

8 b. ~~On July 1, 2027, a total of two millions dollars.~~

9 c. ~~On July 1, 2028, a total of two million five hundred thousand dollar~~three million
10 dollars.

11 2. The liability limits under this section do not apply to a health care malpractice action or
12 claim brought on behalf of an unborn fetus.

13 3. With respect to actions heard by a jury, the jury may not be informed of the limitation
14 contained in this section. If necessary, the court shall reduce the damages awarded by
15 a jury to comply with the limitation in this section.

16 **SECTION 3. EFFECTIVE DATE.** Section 2 of this Act becomes effective on July 1, 2029.

17 **SECTION 4. EXPIRATION DATE.** Section 1 of this Act is effective through June 30, 2029
18 and after that date is ineffective.