

February 3, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### 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~~ one million dollars, regardless of the  
12 number of health care providers and other defendants against whom the action or  
13 claim is brought or the number of actions or claims brought with respect to the injury.  
14 ~~one million dollars. The liability limits under this section must be adjusted annually as~~  
15 ~~follows:~~

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

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

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

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

1     ~~3.2.~~ With respect to actions heard by a jury, the jury may not be informed of the limitation  
2             contained in this section. If necessary, the court shall reduce the damages awarded by  
3             a jury to comply with the limitation in this section.

4     ~~SECTION 2. AMENDMENT. Section 32-42-02 of the North Dakota Century Code is~~  
5     ~~amended and reenacted as follows:~~

6     ~~32-42-02. Noneconomic damages limited – Reduction of award.~~

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

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

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

14     ~~c. On July 1, 2028, a total of two million five hundred thousand dollarsthree million~~  
15            ~~dollars.~~

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

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

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

22     ~~SECTION 4. EXPIRATION DATE. Section 1 of this Act is effective through June 30, 2029~~  
23     ~~and after that date is ineffective.~~