

SENATE FILE NO. SF1007

Noneconomic damages cap-2.

Sponsored by: Joint Judiciary Interim Committee and Joint  
Labor, Health and Social Services Interim  
Committee

A BILL

for

1 AN ACT relating to health care providers; limiting health  
2 care providers liability for noneconomic damages; and  
3 providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 1-1-201 through 1-1-203 are created  
8 to read:

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10

## ARTICLE 2

11

## ACTIONS AGAINST HEALTH CARE PROVIDERS

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13 **1-1-201. Civil actions against health care providers;**  
14 **definitions.**

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16 (a) As used in this article:

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2 (i) "Health care facility" means an institution  
3 as defined in W.S. 35-1-401(a)(xi);

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5 (ii) "Health care provider" means any person  
6 licensed under Wyoming statutes and practicing within the  
7 scope of that license as a podiatrist, chiropractor,  
8 dentist, nurse, optometrist, pharmacist, physical therapist,  
9 physician, surgeon, psychologist or respiratory care  
10 practitioner. For the purpose of determining the limitations  
11 on noneconomic damages set forth in this article, the term  
12 "provider" includes any person or entity for whom a provider  
13 is vicariously liable and any person or entity whose  
14 liability is based solely on such person or entity being  
15 vicariously liable for the actions of a provider;

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17 (iii) "Noneconomic damages" means losses that  
18 would not have occurred but for the injury giving rise to  
19 the cause of action, including pain and suffering,  
20 inconvenience, physical impairment, mental anguish,  
21 disfigurement, loss of capacity for enjoyment of life, loss  
22 of consortium and other losses the claimant is entitled to  
23 recover as damages under general law but which are not  
24 calculable in monetary terms.

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2       **1-1-202. Actions against health care providers and**  
3 **facilities; limitation on noneconomic damages; exception.**

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5       (a) With respect to a cause of action for personal  
6 injury or wrongful death arising from medical negligence of  
7 a health care provider or facility, or combination thereof,  
8 shall be liable for an aggregate of not more than one  
9 million dollars (\$1,000,000.00) in noneconomic damages to  
10 any one (1) person for any single occurrence of medical  
11 negligence.

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13       (b) The limits on noneconomic damages in subsection  
14 (a) of this section shall apply regardless of the cause of  
15 action, theory of liability or degree of negligence alleged  
16 or proven. However, the limits shall not apply if the act  
17 or omission of the health care provider is adjudged, at a  
18 minimum, to constitute gross negligence.

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20       **1-1-203. Limitations on damages; adjustment.**

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22 The legislature shall, at least once every five (5) years  
23 beginning January 1, 2010, reconsider the maximum amounts  
24 authorized for noneconomic damages under this section.

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2       **Section 2.** This act is effective immediately upon  
3 certification by the Secretary of State that an amendment  
4 to the Wyoming Constitution authorizing the legislature to  
5 provide by general law for the limitation of damages  
6 against health care providers has been approved by the  
7 electors of the state in the manner required by Article 20,  
8 Section 1 of the Wyoming Constitution.

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(END)