



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0054

Introduced 2/9/2004, by Sen. David Luechtefeld - Frank C.
Watson - Kirk W. Dillard - John O. Jones

SYNOPSIS AS INTRODUCED:

ILCON Art. IV heading
ILCON Art. IV Sec. 13.5 new

Proposes to amend the Legislature Article of the Illinois Constitution. Provides that the General Assembly may determine by statute the limit of liability for all damages and losses other than economic 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 that is or is claimed to be a cause of or that contributes or is claimed to contribute to the disease, injury, or death of a person. Requires a majority vote to pass legislation to limit liability on non-economic damages and requires that the legislation cite this Section. Effective upon being declared adopted.

LRB093 21028 LCB 47042 e

1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
5 CONCURRING HEREIN, that there shall be submitted to the
6 electors of the State for adoption or rejection at the general
7 election next occurring at least 6 months after the adoption of
8 this resolution a proposition to add Section 13.5 to Article IV
9 of the Illinois Constitution as follows:

10 (ILCON Art. IV heading)

11 ARTICLE IV
12 THE LEGISLATURE

13 (ILCON Art. IV Sec. 13.5 new)

14 SECTION 13.5. LIMITATION ON LIABILITY FOR NON-ECONOMIC DAMAGES

15 (a) In this Section "economic damages" means compensatory
16 damages for any pecuniary loss or damage. The term does not
17 include any loss or damage for past, present, and future
18 physical pain and suffering, mental anguish and suffering, loss
19 of consortium, loss of companionship and society,
20 disfigurement, or physical impairment.

21 (b) Notwithstanding any other provision of this
22 constitution, the General Assembly may determine by statute the
23 limit of liability for all damages and losses other than
24 economic damages of a provider of medical or health care with
25 respect to treatment, lack of treatment, or other claimed
26 departure from an accepted standard of medical or health care
27 or safety that is or is claimed to be a cause of or that
28 contributes or is claimed to contribute to the disease, injury,
29 or death of a person. This subsection (b) applies without
30 regard to whether the claim or cause of action arises under or
31 is derived from common law, a statute, or other law, including
32 any claim or cause of action based or sounding in tort,
33 contract, or any other theory or any combination of theories of

1 liability. The claim or cause of action includes a medical or
2 health care liability claim as defined by the legislature.

3 (c) This Section applies to any law enacted by the General
4 Assembly on or after the effective date of this constitutional
5 amendment.

6 (d) A legislative exercise of authority under subsection
7 (b) of this Section requires a majority vote of all the members
8 elected to each house and must include language citing this
9 Section.

10 SCHEDULE

11 This Constitutional Amendment takes effect upon being
12 declared adopted in accordance with Section 7 of the Illinois
13 Constitutional Amendment Act.