



**93RD GENERAL ASSEMBLY**

**State of Illinois**

**2003 and 2004**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0036**

Introduced 3/18/2004, by Rep. Tom Cross

**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.

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HOUSE JOINT RESOLUTION  
CONSTITUTIONAL AMENDMENT

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

(ILCON Art. IV heading)

ARTICLE IV  
THE LEGISLATURE

(ILCON Art. IV Sec. 13.5 new)

SECTION 13.5. LIMITATION ON LIABILITY FOR NON-ECONOMIC DAMAGES

(a) In this Section "economic damages" means compensatory damages for any pecuniary loss or damage. The term does not include any loss or damage 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.

(b) Notwithstanding any other provision of this constitution, 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. This subsection (b) applies without regard to whether the claim or cause of action arises under or is derived from common law, a statute, or other law, including any claim or cause of action based or sounding in tort, 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.