

House File 161

H-1014

1 Amend House File 161 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 147.136A, subsection 1, paragraph b,  
5 Code 2023, is amended to read as follows:

6 *b. (1) "Noneconomic damages" means damages arising from*  
7 *pain, suffering, inconvenience, physical impairment, mental*  
8 *anguish, emotional pain and suffering, loss of chance, loss of*  
9 *consortium, or any other nonpecuniary damages.*

10 (2) "Noneconomic damages" does not include the loss of  
11 dependent care, including the loss of child care, due to the  
12 death of or severe injury to a spouse or parent who is the  
13 primary caregiver of a child under the age of eighteen or a  
14 disabled adult. Such damages shall be considered economic  
15 damages.

16 Sec. 2. Section 147.136A, subsection 2, Code 2023, is  
17 amended to read as follows:

18 2. The Subject to subsection 4, the total amount recoverable  
19 in any civil action for noneconomic damages for personal injury  
20 or death, whether in tort, contract, or otherwise, against a  
21 health care provider shall be limited to two hundred fifty  
22 thousand dollars for any occurrence resulting in injury or  
23 death of a patient regardless of the number of plaintiffs,  
24 derivative claims, theories of liability, or defendants in  
25 the civil action, shall not exceed two hundred fifty thousand  
26 dollars unless the jury determines that there is a substantial  
27 or permanent loss or impairment of a bodily function,  
28 substantial disfigurement, loss of pregnancy, or death, which  
29 warrants a finding that imposition of such a limitation would  
30 deprive the plaintiff of just compensation for the injuries  
31 sustained, in which case the amount recoverable shall not  
32 exceed one million dollars.

33 Sec. 3. Section 147.136A, Code 2023, is amended by adding  
34 the following new subsection:

35 NEW SUBSECTION. 4. The limitations on damages contained

1 in subsection 2 shall increase by two and one-tenth percent  
2 on January 1, 2028, and each January 1 thereafter. In any  
3 civil action described in this section, such limitations on  
4 damages shall be the amount effective at the time of the  
5 occurrence. The commissioner of insurance shall publish the  
6 amount of the limitations on damages contained in this section  
7 on the insurance division's internet site and shall update the  
8 published amount annually.

9 Sec. 4. Section 668A.1, subsection 2, paragraphs a and b,  
10 Code 2023, are amended to read as follows:

11 a. If the answer or finding pursuant to [subsection 1,](#)  
12 paragraph "b", is affirmative, or if the claim is against any  
13 physician and surgeon, osteopathic physician and surgeon,  
14 dentist, podiatric physician, optometrist, pharmacist,  
15 chiropractor, physician assistant, or nurse, licensed under  
16 chapter 147, or a hospital licensed under chapter 135B, arising  
17 out of patient care, then the full amount of the punitive or  
18 exemplary damages awarded shall be paid to the claimant.

19 b. If the answer or finding pursuant to [subsection 1,](#)  
20 paragraph "b", is negative, and if the claim is not against  
21 any physician and surgeon, osteopathic physician and surgeon,  
22 dentist, podiatric physician, optometrist, pharmacist,  
23 chiropractor, physician assistant, or nurse, licensed under  
24 chapter 147, or a hospital licensed under chapter 135B, arising  
25 out of patient care, then after payment of all applicable  
26 costs and fees, an amount not to exceed twenty-five percent  
27 of the punitive or exemplary damages awarded may be ordered  
28 paid to the claimant, with the remainder of the award to be  
29 ordered paid into a civil reparations trust fund administered  
30 by the state court administrator. Funds placed in the civil  
31 reparations trust shall be under the control and supervision of  
32 the executive council, and shall be disbursed only for purposes  
33 of indigent civil litigation programs or insurance assistance  
34 programs.

35 Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate

1 importance, takes effect upon enactment.

2 Sec. 6. APPLICABILITY. This Act applies to causes of action  
3 accrued on or after the effective date of this Act.>

4 2. Title page, line 1, by striking <noneconomic>

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A. MEYER of Webster