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JUDICIARY

HOUSE FILE 387

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ARNOLD, and MERTZ

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

HF 387

A BILL FOR

1 An Act limiting damages for noneconomic losses arising out of the
2 personal injury or death of a resident of a health care
3 facility.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 613.22 LIMITATION ON LIABILITY
2 OF HEALTH CARE FACILITIES.

3 1. a. In an action to recover damages arising out of the
4 personal injury or death of a resident of a health care
5 facility, as defined in section 135C.1, the present value of
6 the damages awarded for noneconomic losses incurred or to be
7 incurred in the future by the resident shall not exceed two
8 hundred fifty thousand dollars.

9 b. In an action described in paragraph "a" tried to a jury
10 where damages for noneconomic losses are sought, the court
11 shall submit an instruction to the jury that the maximum
12 allowable award for noneconomic losses is two hundred fifty
13 thousand dollars. A separate interrogatory verdict shall be
14 submitted for damages for noneconomic losses unless waived by
15 all parties.

16 c. As used in this section, "noneconomic losses" includes,
17 but is not limited to, pain and suffering, mental anguish,
18 emotional distress, humiliation, loss of consortium, lost
19 opportunity, loss of expectations, and punitive or exemplary
20 damages.

21 EXPLANATION

22 This bill creates new Code section 613.22, limiting damages
23 for noneconomic losses arising out of the personal injury or
24 death of a resident of a health care facility. The bill caps
25 damages for noneconomic losses at \$250,000, and defines
26 noneconomic losses to include pain and suffering and punitive
27 or exemplary damages. The bill also requires a special
28 interrogatory and instructions in a jury trial where
29 noneconomic losses are claimed.

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