

House File 2040 - Introduced

HOUSE FILE 2040
BY KRESSIG

A BILL FOR

- 1 An Act relating to damage awards against health care providers,
- 2 and including applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 147.136A, subsection 1, paragraph b, Code
2 2026, is amended to read as follows:

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

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

13 Sec. 2. Section 147.136A, subsection 2, Code 2026, is amended
14 to read as follows:

15 2. ~~Subject to subsection 4, the~~ The total amount recoverable
16 in any civil action for noneconomic damages for personal injury
17 or death, whether in tort, contract, or otherwise, against a
18 health care provider for any occurrence resulting in injury
19 or death of a patient regardless of the number of plaintiffs,
20 derivative claims, theories of liability, or defendants in the
21 civil action, shall not exceed two hundred fifty thousand dollars
22 unless the jury determines that there is a substantial or
23 permanent loss or impairment of a bodily function, substantial
24 disfigurement, ~~loss of pregnancy,~~ or death, which warrants a
25 finding that imposition of such a limitation would deprive the
26 plaintiff of just compensation for the injuries sustained, ~~in~~
27 ~~which case the amount recoverable shall not exceed one million~~
28 ~~dollars, or two million dollars if the civil action includes a~~
29 ~~hospital as defined in section 135B.1.~~

30 Sec. 3. Section 147.136A, subsection 4, Code 2026, is amended
31 by striking the subsection.

32 Sec. 4. Section 668A.1, subsection 2, paragraphs a and b,
33 Code 2026, are amended to read as follows:

34 a. If the answer or finding pursuant to subsection
35 1, paragraph "b", is affirmative, ~~or if the claim is~~

1 damage awards against a health care provider. The bill strikes
2 this limitation on noneconomic damages.

3 Current law provides a limit of \$250,000 that may be recovered
4 in any civil action for noneconomic damages for personal injury
5 or death against a health care provider unless there is a
6 substantial or permanent loss or impairment of a bodily function,
7 substantial disfigurement, loss of pregnancy, or death. The bill
8 removes loss of pregnancy as an exception to this noneconomic
9 damage limit.

10 Current law limits the amount of noneconomic damages that
11 a jury can award a plaintiff if there is a substantial or
12 permanent loss or impairment of a bodily function, substantial
13 disfigurement, loss of pregnancy, or death to \$1 million, or
14 \$2 million if the civil action includes a hospital. The bill
15 strikes this limitation on the amount of noneconomic damages a
16 jury can award a plaintiff.

17 The bill strikes the 2.1 percent increase to the \$250,000, \$1
18 million, and \$2 million caps under current law.

19 The bill strikes the requirement that an award for punitive
20 or exemplary damages shall be paid to the claimant if the claim
21 is against any physician and surgeon, osteopathic physician and
22 surgeon, dentist, podiatric physician, optometrist, pharmacist,
23 chiropractor, physician assistant, nurse, or a hospital, arising
24 out of patient care.

25 Current law provides that if a jury or court finds that
26 the conduct of the defendant was not directed specifically at
27 the claimant, or the person from which the claimant's claim
28 is derived, and if the claim is not against any physician and
29 surgeon, osteopathic physician and surgeon, dentist, podiatric
30 physician, optometrist, pharmacist, chiropractor, physician
31 assistant, nurse, or a hospital licensed, arising out of patient
32 care, and if the claim is not part of a civil action involving
33 the operation of a commercial motor vehicle, then no more than 25
34 percent of the punitive or exemplary damages shall be paid to the
35 claimant. The bill strikes the requirement that the claim not

1 be against any physician and surgeon, osteopathic physician and
2 surgeon, dentist, podiatric physician, optometrist, pharmacist,
3 chiropractor, physician assistant, nurse, or a hospital licensed,
4 arising out of patient care.

5 The bill applies to causes of action accrued on or after July
6 1, 2026.

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