

# Senate Joint Resolution 30

Sponsored by Senator GIROD; Senators BAERTSCHIGER JR, BOQUIST, CLOSE, FERRIOLI, HANSELL, KNOPP, KRUSE, OLSEN, STARR, THOMSEN, WHITSETT, WINTERS

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Proposes amendment to Oregon Constitution to limit awards of noneconomic damages in medical liability actions to \$1 million.

Refers proposed amendment to people for their approval or rejection at next regular general election.

## JOINT RESOLUTION

**Be It Resolved by the Legislative Assembly of the State of Oregon:**

**PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section 12 to be added to and made a part of Article XV, such section to read:

**SECTION 12. (1) Noneconomic damages may not be recovered in a medical liability action in an amount that exceeds \$1 million.**

**(2) For the purposes of this section:**

**(a) "Health care provider" means:**

**(A) A psychologist;**

**(B) An occupational therapist;**

**(C) A physician;**

**(D) An emergency medical services provider;**

**(E) A podiatric physician and surgeon;**

**(F) A nurse;**

**(G) A nurse practitioner;**

**(H) A dentist;**

**(I) A dental hygienist;**

**(J) A denturist;**

**(K) An audiologist or speech-language pathologist;**

**(L) An optometrist;**

**(M) A chiropractor;**

**(N) A naturopath;**

**(O) A massage therapist;**

**(P) A physical therapist;**

**(Q) A medical imaging licensee;**

**(R) A pharmacist;**

**(S) A physician assistant;**

**(T) A direct entry midwife;**

**(U) An acupuncturist;**

**(V) A polysomnographic technologist;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1       **(W) A respiratory care practitioner; or**

2       **(X) A dietitian.**

3       **(b) "Medical liability action" means a civil action against a health care provider, hospital**  
4 **or other health care facility based on alleged negligence in providing health care.**

5       **(c) "Noneconomic damages" means subjective, nonmonetary losses, including but not**  
6 **limited to pain, mental suffering, emotional distress, humiliation, injury to reputation, loss**  
7 **of care, comfort, companionship and society, loss of consortium, inconvenience and inter-**  
8 **ference with normal and usual activities apart from compensated employment.**

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10       **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**  
11 **people for their approval or rejection at the next regular general election held throughout**  
12 **this state.**

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