

Senate Joint Resolution 46

Sponsored by Senator GIROD; Senators ATKINSON, BOQUIST, FERRIOLI, KRUSE, MORSE, TELFER, WHITSETT, WINTERS (Pre-session filed.)

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 against health care providers, nonprofit corporations and public bodies 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 against a health care provider, a nonprofit corporation or a public body in an amount that exceeds \$1 million.

(2) Noneconomic damages may not be recovered against any officer, employee or agent of a health care provider, a nonprofit corporation or a public body, for acts or omissions within the scope of the person's employment or duties, in an amount that exceeds \$1 million.

(3) The limitations of this section apply to all subjective, nonmonetary losses, including but not limited to pain, mental suffering, emotional distress, humiliation, injury to reputation, loss of care, comfort, companionship and society, loss of consortium, inconvenience and interference with normal and usual activities apart from compensated employment.

(4) For the purposes of this section, a health care provider is a person who is licensed, registered or certified under law as:

- (a) A psychologist;**
- (b) An occupational therapist;**
- (c) A physician;**
- (d) An emergency medical technician;**
- (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;**

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 **(p) A physical therapist;**
- 2 **(q) A medical imaging licensee;**
- 3 **(r) A pharmacist; or**
- 4 **(s) A physician assistant.**

5 **(5) For the purposes of this section, a public body is the state, a county, a city, a district**
6 **or any other entity created by law.**

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

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