

# HOUSE BILL NO. 6085

November 13, 2024, Introduced by Reps. Rheingans, Miller, Skaggs, Wilson, Mentzer, MacDonell, Andrews and Morgan and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 1483 (MCL 600.1483), as amended by 2012 PA 608.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1483. (1) In a claim for damages alleging medical  
2 malpractice by or against a person or party, the total amount of  
3 damages for noneconomic loss recoverable by ~~all plaintiffs, each~~  
4 **plaintiff, including an individual making a claim under section**  
5 **2922**, resulting from the medical malpractice of ~~all defendants,~~  
6 ~~shall each defendant, must~~ not exceed ~~\$280,000.00~~ **\$1,000,000.00 per**  
7 **plaintiff and per defendant**, unless, as the result of the

1 ~~negligence~~ **medical malpractice** of 1 or more of the defendants, 1 or  
 2 more of the following exceptions apply as determined by the court  
 3 ~~pursuant to~~ **under** section 6304, in which case damages for  
 4 noneconomic loss shall ~~must~~ not exceed ~~\$500,000.00~~ **\$3,000,000.00**  
 5 **per plaintiff and per defendant:**

6 (a) The plaintiff is **functionally** hemiplegic, paraplegic, or  
 7 quadriplegic ~~resulting in a total permanent~~ **or suffers from**  
 8 functional loss of 1 or more limbs. ~~caused by 1 or more of the~~  
 9 ~~following:~~

10 ~~(i) Injury to the brain.~~

11 ~~(ii) Injury to the spinal cord.~~

12 (b) The plaintiff has permanently impaired cognitive capacity  
 13 ~~rendering him or her incapable of making independent, responsible~~  
 14 ~~life decisions and~~ **or is** permanently incapable of independently  
 15 performing the activities of normal, daily living.

16 (c) There has been permanent loss of or damage to a  
 17 reproductive organ. ~~resulting in the inability to procreate.~~

18 **(d) The plaintiff died.**

19 **(e) The plaintiff suffered permanent injury.**

20 **(f) The plaintiff suffered substantial disfigurement.**

21 **(g) The plaintiff suffered serious impairment of an important**  
 22 **body function.**

23 (2) In awarding damages in an action alleging medical  
 24 malpractice, the trier of fact shall itemize damages into damages  
 25 for economic loss and damages for noneconomic loss.

26 ~~(3) As used in this section, "noneconomic loss" means damages~~  
 27 ~~or loss due to pain, suffering, inconvenience, physical impairment,~~  
 28 ~~or physical disfigurement, loss of society and companionship,~~  
 29 ~~whether claimed under section 2922 or otherwise, loss of~~

1 ~~consortium, or other noneconomic loss.~~

2 (3) Any limitation on the recovery of damages in subsection  
3 (1) does not apply to actions or claims in which the trier of fact  
4 determines by a preponderance of the evidence that any of the  
5 following exist:

6 (a) The conduct of a defendant amounts to gross negligence,  
7 intentional conduct, fraudulent conduct, or reckless disregard for  
8 the rights of others.

9 (b) A defendant falsified, destroyed, concealed, or altered  
10 the medical records relating to the claim or conduct at issue.

11 (c) A defendant was under the influence of alcohol, drugs, or  
12 other intoxicant or stimulant relating to the claim or conduct at  
13 issue.

14 (d) A defendant has previously settled or been found liable  
15 for a claim of medical malpractice.

16 (e) A defendant fails to obtain professional liability  
17 insurance coverage.

18 (4) Beginning ~~April 1, 1994,~~ **the effective date of the**  
19 **amendatory act that added subsection (5),** the state treasurer shall  
20 adjust the ~~limitations~~**limitation** on damages for noneconomic loss  
21 ~~set forth~~ in subsection (1) by ~~amounts~~**an amount** determined by the  
22 state treasurer at the end of each calendar year to reflect the  
23 cumulative annual percentage change in the ~~consumer price index.~~  
24 **Consumer Price Index.** As used in this subsection, "~~consumer price~~  
25 ~~index~~"**Consumer Price Index**" means the most comprehensive index of  
26 consumer prices available for this state from the ~~bureau of labor~~  
27 ~~statistics~~**Bureau of Labor Statistics** of the United States  
28 ~~department of labor.~~**Department of Labor.**

29 (5) As used in this section, "noneconomic loss" means damages

1 or loss due to pain, suffering, inconvenience, physical impairment,  
2 or physical disfigurement, loss of society and companionship,  
3 whether claimed under section 2922 or otherwise, loss of  
4 consortium, or other noneconomic loss.