

SENATE BILL NO. 1158

November 26, 2024, Introduced by Senator IRWIN and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

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

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

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

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

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

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

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

(d) The plaintiff died.

(e) The plaintiff suffered permanent injury.

(f) The plaintiff suffered substantial disfigurement.

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

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

~~(3) As used in this section, "noneconomic loss" means damages or loss due to pain, suffering, inconvenience, physical impairment, or physical disfigurement, loss of society and companionship, 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.