

# HOUSE BILL 969

D3

8lr2544  
CF SB 550

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By: **Delegates Waldstreicher and Valderrama**

Introduced and read first time: February 7, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

### **Health Care Malpractice – Death – Noneconomic Damages**

3 FOR the purpose of altering certain limitations on noneconomic damages for a  
4 survival action and a wrongful death action concerning health care malpractice  
5 for a cause of action arising on or after a certain date; providing for a delayed  
6 effective date; and generally relating to noneconomic damages in survival and  
7 wrongful death actions concerning health care malpractice.

8 BY repealing and reenacting, with amendments,  
9 Article – Courts and Judicial Proceedings  
10 Section 3–2A–09(b)  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2007 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

### **Article – Courts and Judicial Proceedings**

16 3–2A–09.

17 (b) (1) (i) Except as provided in paragraph [(2)(ii)]**(2)(III)** of this  
18 subsection, an award or verdict under this subtitle for noneconomic damages for a  
19 cause of action arising between January 1, 2005, and December 31, 2008, inclusive,  
20 may not exceed \$650,000.

21 (ii) The limitation on noneconomic damages provided under  
22 subparagraph (i) of this paragraph shall increase by \$15,000 on January 1 of each year  
23 beginning January 1, 2009. The increased amount shall apply to causes of action  
24 arising between January 1 and December 31 of that year, inclusive.

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.



28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 January 1, 2009.