

CHAPTER 325

COURTS

HOUSE BILL 24-1472

BY REPRESENTATIVE(S) Brown and Pugliese, Daugherty, Amabile, Bacon, Duran, Epps, Froelich, Herod, Kipp, Lieder, Lindsay, Lindstedt, Mabrey, McCormick, Parenti, Ricks, Rutinel, Snyder, Soper, Valdez, Vigil, Weissman, McCluskie; also SENATOR(S) Mullica and Gardner, Exum, Kirkmeyer, Kolker, Lundeen, Priola.

AN ACT

CONCERNING MATTERS RELATED TO CERTAIN TORT ACTIONS, AND, IN CONNECTION THEREWITH, INCREASING THE CAP ON NONECONOMIC DAMAGES, ALLOWING SIBLINGS TO BRING A WRONGFUL DEATH ACTION IN CERTAIN CIRCUMSTANCES, INCREASING A WRONGFUL DEATH DAMAGES CAP, INCREASING THE MEDICAL MALPRACTICE WRONGFUL DEATH DAMAGES CAP, AND INCREASING THE MEDICAL MALPRACTICE NONECONOMIC DAMAGES CAP.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly finds and declares that updating the monetary limitations on damages for direct or derivative noneconomic loss or injury serves the purpose and intent of the "Health Care Availability Act", the "Wrongful Death Act", and the statutory limitations on damages for noneconomic loss or injury in civil actions.

SECTION 2. In Colorado Revised Statutes, 13-21-102.5, **amend** (3)(a), (3)(b), (3)(c)(I), and (3)(c)(III) introductory portion; **repeal** (3)(c)(II); and **add** (2)(a.5) and (3)(c)(III.5) as follows:

13-21-102.5. Limitations on damages for noneconomic loss or injury - definitions. (2) As used in this section:

(a.5) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKESWOOD FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX.

(3) (a) (I) In any civil action FILED BEFORE JANUARY 1, 2025, other than ~~medical malpractice actions~~, ANY CIVIL ACTION OR BINDING ARBITRATION FOR DAMAGES IN

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

TORT BROUGHT AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), IN WHICH DAMAGES FOR NONECONOMIC LOSS OR INJURY MAY BE AWARDED, THE TOTAL OF SUCH DAMAGES SHALL NOT EXCEED THE SUM OF TWO HUNDRED FIFTY THOUSAND DOLLARS UNLESS THE COURT FINDS JUSTIFICATION BY CLEAR AND CONVINCING EVIDENCE THEREFOR. IN NO CASE SHALL THE AMOUNT OF NONECONOMIC LOSS OR INJURY DAMAGES IN AN ACTION FILED BEFORE JANUARY 1, 2025, EXCEED FIVE HUNDRED THOUSAND DOLLARS.

(II) IN ANY CIVIL ACTION FILED ON OR AFTER JANUARY 1, 2025, AND BEFORE JANUARY 1, 2026, OR ANY CLAIM FOR RELIEF THAT ACCRUES ON OR AFTER JANUARY 1, 2025, OTHER THAN ANY CIVIL ACTION OR BINDING ARBITRATION FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), OR WRONGFUL DEATH ACTION, IN WHICH DAMAGES FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR INJURY MAY BE AWARDED, THE TOTAL AMOUNT OF SUCH DAMAGES THAT MAY BE AWARDED MUST NOT EXCEED THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

(III) ~~THE DAMAGES FOR NONECONOMIC LOSS OR INJURY IN A MEDICAL MALPRACTICE ACTION, ANY CIVIL ACTION OR BINDING ARBITRATION FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), SHALL NOT EXCEED THE LIMITATIONS ON NONECONOMIC LOSS OR INJURY SPECIFIED IN~~ BE GOVERNED BY SECTION 13-64-302.

(IV) THE DAMAGES FOR NONECONOMIC LOSS OR INJURY IN A WRONGFUL DEATH ACTION SHALL BE GOVERNED BY SECTION 13-21-203.

(b) In any civil action, no damages for derivative noneconomic loss or injury may be awarded unless the court finds justification by clear and convincing evidence therefor. ~~In no case shall the amount of such damages exceed two hundred fifty thousand dollars.~~

(c) (I) (A) The limitations on damages set forth in ~~subsections (3)(a) and (3)(b)~~ SUBSECTION (3)(a)(I) of this section must be adjusted for inflation as of January 1, 1998, January 1, 2008, January 1, 2020, and ~~each~~ ON January 1 every two years thereafter UNTIL JANUARY 1, 2024. The adjustments made on January 1, 1998, January 1, 2008, January 1, 2020, and ~~each~~ ON January 1 every two years thereafter UNTIL JANUARY 1, 2024, must be based on the cumulative annual adjustment for inflation for each year since the effective date of the damages limitations in ~~subsections (3)(a) and (3)(b)~~ SUBSECTION (3)(a)(I) of this section.

(B) THE LIMITATIONS ON DAMAGES SET FORTH IN SUBSECTION (3)(a)(II) OF THIS SECTION MUST BE ADJUSTED FOR INFLATION ON JANUARY 1, 2028, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER. THE ADJUSTMENTS MADE ON JANUARY 1, 2028, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER MUST BE BASED ON THE CUMULATIVE ANNUAL ADJUSTMENT FOR INFLATION FOR EACH YEAR SINCE THE EFFECTIVE DATE OF THE DAMAGES LIMITATIONS IN SUBSECTION (3)(a)(II) OF THIS SECTION.

(C) The INFLATION adjustments made pursuant to this subsection (3)(c)(I) must be rounded upward or downward to the nearest ten-dollar increment.

~~(II) As used in this paragraph (c), "inflation" means the annual percentage change in the United States department of labor, bureau of labor statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index.~~

(III) The secretary of state shall certify the adjusted limitation on damages within fourteen days after the appropriate information is available, and, FOR PURPOSES OF THE LIMITATION ON DAMAGES SPECIFIED IN SUBSECTIONS (3)(a)(I) AND (3)(b) OF THIS SECTION:

(III.5) FOR PURPOSES OF THE LIMITATION ON DAMAGES SPECIFIED IN SUBSECTION (3)(a)(II) OF THIS SECTION, THE SECRETARY OF STATE SHALL CERTIFY THE ADJUSTED LIMITATION ON DAMAGES WITHIN FOURTEEN DAYS AFTER THE APPROPRIATE INFORMATION IS AVAILABLE. THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1, 2028, AND AS OF EACH JANUARY 1 EVERY TWO YEARS THEREAFTER, IS APPLICABLE TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON OR AFTER THE SPECIFIED JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS THEREAFTER.

SECTION 3. In Colorado Revised Statutes, 13-21-201, **amend** (1)(a)(III), (1)(a)(IV), (1)(b)(I)(C), and (1)(b)(I)(D); and **add** (1)(a)(V) and (1)(b)(I)(E) as follows:

13-21-201. Damages for death. (1) When any person dies from any injury resulting from or occasioned by the negligence, unskillfulness, or criminal intent of any officer, agent, servant, or employee while running, conducting, or managing any locomotive, car, or train of cars, or of any driver of any coach or other conveyance operated for the purpose of carrying either freight or passengers for hire while in charge of the same as a driver, and when any passenger dies from an injury resulting from or occasioned by any defect or insufficiency in any railroad or any part thereof, or in any locomotive or car, or other conveyance operated for the purpose of carrying either freight or passengers for hire, the corporation or individuals in whose employ any such officer, agent, servant, employee, master, pilot, engineer, or driver is at the time such injury is committed, or who owns any such railroad, locomotive, car, or other conveyance operated for the purpose of carrying either freight or passengers for hire at the time any such injury is received, and resulting from or occasioned by the defect or insufficiency above described shall forfeit and pay for every person and passenger so injured the sum of not exceeding ten thousand dollars and not less than three thousand dollars, which may be sued for and recovered:

(a) In the first year after such death:

(III) Upon the written election of the spouse, by the heir or heirs of the deceased;

~~or~~

(IV) If there is no spouse, by the heir or heirs of the deceased or the designated beneficiary, if there is one designated pursuant to article 22 of title 15, ~~C.R.S.~~, with the right to bring an action pursuant to this section, and if there is no designated beneficiary, by the heir or heirs of the deceased; ~~OR~~

(V) IF, AT THE TIME OF DEATH, THERE IS NO SPOUSE, NO HEIR OR HEIRS, AND NO DESIGNATED BENEFICIARY, OR, IF THE DECEASED WAS AN UNMARRIED MINOR WITHOUT DESCENDANTS OR AN UNMARRIED ADULT WITHOUT DESCENDANTS, AND THERE IS NO MOTHER AND NO FATHER OF THE DECEASED, THEN BY THE SIBLING OR SIBLINGS OF THE DECEASED OR THE HEIR OR HEIRS OF THE SIBLING OR SIBLINGS OF THE DECEASED.

(b) (I) In the second year after such death:

(C) By the spouse and the heir or heirs of the deceased; ~~or~~

(D) By the designated beneficiary of the deceased, if there is one designated pursuant to article 22 of title 15, ~~C.R.S.~~, with the right to bring an action pursuant to this section, and the heir or heirs of the deceased; OR

(E) BY THE SIBLING OR SIBLINGS OF THE DECEASED OR THE HEIR OR HEIRS OF THE SIBLING OR SIBLINGS OF THE DECEASED, BUT ONLY IF, AT THE TIME OF DEATH, THE DECEASED HAD NO SURVIVING SPOUSE, NO HEIR OR HEIRS, AND NO DESIGNATED BENEFICIARY, OR, IF THE DECEASED WAS AN UNMARRIED MINOR WITHOUT DESCENDANTS OR AN UNMARRIED ADULT WITHOUT DESCENDANTS, AND HAD NO MOTHER AND NO FATHER.

SECTION 4. In Colorado Revised Statutes, 13-21-203, **amend** (1) as follows:

13-21-203. Limitation on damages. (1) (a) All damages accruing under section 13-21-202 shall be sued for and recovered by the same parties and in the same manner as provided in section 13-21-201, and in every such action the jury may give such damages as they may deem fair and just, with reference to the necessary injury resulting from such death, including damages for noneconomic loss or injury as defined in section 13-21-102.5 and subject to the limitations of this section and including within noneconomic loss or injury damages for grief, loss of companionship, pain and suffering, and emotional stress, to the surviving parties who may be entitled to sue; and also having regard to the mitigating or aggravating circumstances attending any such wrongful act, neglect, or default; except that, if the decedent left neither a widow, a widower, minor children, nor a dependent father or mother, the damages recoverable in any such action shall not exceed ~~the limitations for noneconomic loss or injury set forth in section 13-21-102.5~~ THE SUM OF TWO MILLION ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS IN ANY WRONGFUL DEATH ACTION OR BINDING ARBITRATION FILED ON OR AFTER JANUARY 1, 2025, AND BEFORE JANUARY 1, 2026, OR ANY WRONGFUL DEATH CLAIM THAT ACCRUES ON OR AFTER JANUARY 1, 2025, IN WHICH DAMAGES FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR INJURY MAY BE AWARDED, unless the wrongful act, neglect, or default causing death constitutes a felonious killing, as defined in section 15-11-803 (1)(b), ~~C.R.S.~~, and as determined in the manner described in section 15-11-803 (7), ~~C.R.S.~~, in which case there shall be no limitation on the damages for noneconomic loss or injury recoverable in such action. No action shall be brought and no recovery shall be had under both section 13-21-201 and section 13-21-202, and in all cases the plaintiff is required to elect under which section he or she will proceed. There shall be only one civil action under this part 2 for recovery of damages for the wrongful death of any one decedent. Notwithstanding anything in this section or in section 13-21-102.5 to the contrary, there shall be no recovery

under this part 2 for noneconomic loss or injury in excess of ~~two hundred fifty thousand dollars~~ TWO MILLION ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS IN ANY WRONGFUL DEATH ACTION OR BINDING ARBITRATION FILED ON OR AFTER JANUARY 1, 2025, AND BEFORE JANUARY 1, 2026, OR ANY WRONGFUL DEATH CLAIM THAT ACCRUES ON OR AFTER JANUARY 1, 2025, IN WHICH DAMAGES FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR INJURY MAY BE AWARDED, unless the wrongful act, neglect, or default causing death constitutes a felonious killing, as defined in section 15-11-803 (1)(b), ~~C.R.S.~~, and as determined in the manner described in section 15-11-803 (7). ~~C.R.S.~~ DAMAGES ARISING FROM CLAIMS BROUGHT AGAINST A PUBLIC ENTITY OR PUBLIC EMPLOYEE, AS DEFINED IN SECTION 24-10-103, SHALL BE CONTROLLED BY THE DAMAGE LIMITATIONS SET FORTH IN SECTION 24-10-114.

(b) ~~The damages recoverable for noneconomic loss or injury in any medical malpractice action shall not exceed the limitations on noneconomic loss or injury set forth in section 13-64-302.~~ NOTWITHSTANDING THE LIMITATION SET FORTH IN SUBSECTION (1)(a) OF THIS SECTION OR IN SECTION 13-64-302 (1):

(I) EFFECTIVE JANUARY 1, 2025, THE TOTAL AMOUNT RECOVERABLE FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR INJURY, AS DEFINED IN SECTION 13-64-302 (1)(a)(I) AND (1)(a)(II), IN ANY CIVIL ACTION OR BINDING ARBITRATION FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), BASED ON A CLAIM OF WRONGFUL DEATH OF A PATIENT SHALL NOT EXCEED FIVE HUNDRED FIFTY-FIVE THOUSAND DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON OR AFTER JANUARY 1, 2025, BUT BEFORE JANUARY 1, 2026.

(II) EFFECTIVE JANUARY 1, 2026, THE TOTAL AMOUNT RECOVERABLE FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR INJURY, AS DEFINED IN SECTION 13-64-302 (1)(a)(I) AND (1)(a)(II), IN ANY CIVIL ACTION OR BINDING ARBITRATION FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), BASED ON A CLAIM OF WRONGFUL DEATH OF A PATIENT SHALL NOT EXCEED EIGHT HUNDRED TEN THOUSAND DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON OR AFTER JANUARY 1, 2026, BUT BEFORE JANUARY 1, 2027.

(III) EFFECTIVE JANUARY 1, 2027, THE TOTAL AMOUNT RECOVERABLE FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR INJURY, AS DEFINED IN SECTION 13-64-302 (1)(a)(I) AND (1)(a)(II), IN ANY CIVIL ACTION OR BINDING ARBITRATION FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), BASED ON A CLAIM OF WRONGFUL DEATH OF A PATIENT SHALL NOT EXCEED ONE MILLION SIXTY-FIVE THOUSAND DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON OR AFTER JANUARY 1, 2027, BUT BEFORE JANUARY 1, 2028.

(IV) EFFECTIVE JANUARY 1, 2028, THE TOTAL AMOUNT RECOVERABLE FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR INJURY, AS DEFINED IN SECTION 13-64-302 (1)(a)(I) AND (1)(a)(II), IN ANY CIVIL ACTION OR BINDING ARBITRATION FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE PROFESSIONAL, AS

DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), BASED ON A CLAIM OF WRONGFUL DEATH OF A PATIENT SHALL NOT EXCEED ONE MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON OR AFTER JANUARY 1, 2028, BUT BEFORE JANUARY 1, 2029.

(V) EFFECTIVE JANUARY 1, 2029, THE TOTAL AMOUNT RECOVERABLE FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR INJURY, AS DEFINED IN SECTION 13-64-302 (1)(a)(I) AND (1)(a)(II), IN ANY CIVIL ACTION OR BINDING ARBITRATION FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), BASED ON A CLAIM OF WRONGFUL DEATH OF A PATIENT SHALL NOT EXCEED ONE MILLION FIVE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON OR AFTER JANUARY 1, 2029, BUT BEFORE JANUARY 1, 2030.

(VI) EFFECTIVE JANUARY 1, 2030, THE LIMITATION ON DAMAGES SPECIFIED IN SUBSECTION (1)(b)(V) OF THIS SECTION SHALL BE ADJUSTED IN ACCORDANCE WITH SECTION 13-21-203.7 (4).

(VII) THE LIMITATIONS OF SUBSECTION (1)(b)(I) OF THIS SECTION ARE NOT APPLICABLE TO A HEALTH-CARE PROFESSIONAL WHO IS A PUBLIC EMPLOYEE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT" AND ARE NOT APPLICABLE TO A CERTIFIED HEALTH-CARE INSTITUTION THAT IS A PUBLIC ENTITY UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT".

SECTION 5. In Colorado Revised Statutes, 13-21-203.7, **amend** (1) and (2); and **add** (1.5) and (4) as follows:

13-21-203.7. Adjustments of dollar limitations for effects of inflation - definition. (1) The limitations on noneconomic damages set forth in section 13-21-203 (1)(a) and the amount of the solatium set forth in section 13-21-203.5 must be adjusted for inflation as of January 1, 1998, January 1, 2008, January 1, 2020, and each January 1 every two years thereafter UNTIL JANUARY 1, 2024. The adjustments made on January 1, 1998, January 1, 2008, January 1, 2020, and each January 1 every two years thereafter must be based on the cumulative annual adjustment for inflation for each year since the effective date of the damages limitations in sections 13-21-203 (1)(a) and 13-21-203.5. The adjustments made pursuant to this subsection (1) must be rounded upward or downward to the nearest ten-dollar increment.

(1.5) AFTER JANUARY 1, 2024, THE LIMITATIONS ON DAMAGES SET FORTH IN SECTION 13-21-203 (1)(a) MUST BE ADJUSTED FOR INFLATION JANUARY 1, 2028, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER. THE ADJUSTMENTS MADE ON JANUARY 1, 2028, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER MUST BE BASED ON THE CUMULATIVE ANNUAL ADJUSTMENT FOR INFLATION FOR EACH YEAR SINCE THE EFFECTIVE DATE OF THE DAMAGES LIMITATIONS IN SECTION 13-21-203 (1)(a). THE ADJUSTMENTS MADE PURSUANT TO THIS SUBSECTION (1.5) MUST BE ROUNDED UPWARD OR DOWNWARD TO THE NEAREST TEN-DOLLAR INCREMENT.

(2) As used in this section, "inflation" means the annual percentage change in the

~~United States department of labor, bureau of labor statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index~~ MEANS THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX.

(4) (a) EFFECTIVE JANUARY 1, 2030, THE DAMAGES LIMITATION SPECIFIED IN SECTION 13-21-203 (1)(b)(V) MUST BE ADJUSTED FOR INFLATION ON JANUARY 1, 2030, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER. THE ADJUSTMENTS MADE ON JANUARY 1, 2030, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER MUST BE BASED ON THE CUMULATIVE ANNUAL ADJUSTMENT FOR INFLATION FOR EACH YEAR SINCE THE EFFECTIVE DATE OF THE DAMAGES LIMITATION SPECIFIED IN SECTION 13-21-203 (1)(b)(V). THE ADJUSTMENTS MADE PURSUANT TO THIS SUBSECTION (4) MUST BE ROUNDED UPWARD OR DOWNWARD TO THE NEAREST TEN-DOLLAR INCREMENT.

(b) THE SECRETARY OF STATE SHALL CERTIFY THE ADJUSTED LIMITATION ON DAMAGES WITHIN FOURTEEN DAYS AFTER THE APPROPRIATE INFORMATION IS AVAILABLE AND SHALL PUBLISH THE ADJUSTED AMOUNT ON THE SECRETARY OF STATE'S WEBSITE.

(c) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1, 2030, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER IS APPLICABLE TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON AND AFTER THE SPECIFIED JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS THEREAFTER.

SECTION 6. In Colorado Revised Statutes, 13-64-302, **amend** (1)(b) and (1)(c) as follows:

13-64-302. Limitation of liability - interest on damages - definition.
 (1) (b) The total amount recoverable for all damages for a course of care for all defendants in any civil action for damages in tort brought against a health-care professional, as defined in section 13-64-202, or a health-care institution, as defined in section 13-64-202, or as a result of binding arbitration, whether past damages, future damages, or a combination of both, shall not exceed THE GREATER OF one million dollars, present value per patient, OR ONE HUNDRED TWENTY-FIVE PERCENT OF THE NONECONOMIC DAMAGES LIMITATIONS SET FORTH IN SECTION 13-21-203 (1)(b) IN EFFECT AT THE TIME THE ACTS OR OMISSIONS OCCURRED, PRESENT VALUE PER PATIENT, including any claim for derivative noneconomic loss or injury, of which not more than two hundred fifty thousand dollars, present value per patient, including any derivative claim, shall be attributable to direct or derivative noneconomic loss or injury; except that, if, upon good cause shown, the court determines that the present value of past and future economic damages would exceed such limitation and that the application of such limitation would be unfair, the court may award in excess of the limitation the present value of additional past and future economic damages only. The limitations of this section are not applicable to a health-care professional who is a public employee under the "Colorado Governmental Immunity Act" and are not applicable to a certified health-care institution which is a public entity under the "Colorado Governmental Immunity Act". For purposes of this section, "present value" has the same meaning as that set

forth in section 13-64-202 (7). The existence of the limitations and exceptions thereto provided in this section shall not be disclosed to a jury.

(c) (I) (A) Effective July 1, 2003, the damages limitation of two hundred fifty thousand dollars described in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION shall be increased to three hundred thousand dollars, which increased amount shall apply to acts or omissions occurring on or after said date. It is the intent of the general assembly that the increase reflect an adjustment for inflation to the damages limitation.

(B) EFFECTIVE JANUARY 1, 2025, IN AN ACTION FILED ON OR AFTER THAT DATE THAT ACCRUED ON OR AFTER JANUARY 1, 2024, BUT BEFORE JANUARY 1, 2026, THE DAMAGES LIMITATION OF THREE HUNDRED THOUSAND DOLLARS DESCRIBED IN SUBSECTION (I)(c)(I)(A) OF THIS SECTION FOR DIRECT OR DERIVATIVE NONECONOMIC LOSS OR INJURY IS INCREASED TO FOUR HUNDRED FIFTEEN THOUSAND DOLLARS.

(C) EFFECTIVE JANUARY 1, 2026, THE DAMAGES LIMITATION OF FOUR HUNDRED FIFTEEN THOUSAND DOLLARS DESCRIBED IN SUBSECTION (1)(c)(I)(B) OF THIS SECTION IS INCREASED TO FIVE HUNDRED THIRTY THOUSAND DOLLARS, WHICH INCREASED AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON OR AFTER JANUARY 1, 2026, BUT BEFORE JANUARY 1, 2027.

(D) EFFECTIVE JANUARY 1, 2027, THE DAMAGES LIMITATION OF FIVE HUNDRED THIRTY THOUSAND DOLLARS DESCRIBED IN SUBSECTION (1)(c)(I)(C) OF THIS SECTION IS INCREASED TO SIX HUNDRED FORTY-FIVE THOUSAND DOLLARS, WHICH INCREASED AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON OR AFTER JANUARY 1, 2027, BUT BEFORE JANUARY 1, 2028.

(E) EFFECTIVE JANUARY 1, 2028, THE DAMAGES LIMITATION OF SIX HUNDRED FORTY-FIVE THOUSAND DOLLARS DESCRIBED IN SUBSECTION (1)(c)(I)(D) OF THIS SECTION IS INCREASED TO SEVEN HUNDRED SIXTY THOUSAND DOLLARS, WHICH INCREASED AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON OR AFTER JANUARY 1, 2028, BUT BEFORE JANUARY 1, 2029.

(F) EFFECTIVE JANUARY 1, 2029, THE DAMAGES LIMITATION OF SEVEN HUNDRED SIXTY THOUSAND DOLLARS DESCRIBED IN SUBSECTION (1)(c)(I)(E) OF THIS SECTION IS INCREASED TO EIGHT HUNDRED SEVENTY-FIVE THOUSAND DOLLARS, WHICH INCREASED AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON OR AFTER JANUARY 1, 2029, BUT BEFORE JANUARY 1, 2030.

(G) EFFECTIVE JANUARY 1, 2030, THE DAMAGES LIMITATIONS IN SUBSECTION (1)(c)(I)(F) OF THIS SECTION MUST BE ADJUSTED FOR INFLATION AS OF JANUARY 1, 2030, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER. THE ADJUSTMENTS MADE ON JANUARY 1, 2030, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER MUST BE BASED ON THE CUMULATIVE ANNUAL ADJUSTMENT FOR INFLATION FOR EACH YEAR SINCE THE EFFECTIVE DATE OF THE DAMAGES LIMITATION SPECIFIED IN SUBSECTION (1)(c)(I)(F) OF THIS SECTION. THE ADJUSTMENTS MADE PURSUANT TO THIS SUBSECTION (1)(c)(I)(G) MUST BE ROUNDED UPWARD OR DOWNWARD TO THE NEAREST TEN-DOLLAR INCREMENT. AS USED IN THIS SUBSECTION (1)(c), "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX

FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX.

(II) THE SECRETARY OF STATE SHALL CERTIFY THE ADJUSTED LIMITATION ON DAMAGES WITHIN FOURTEEN DAYS AFTER THE APPROPRIATE INFORMATION IS AVAILABLE AND SHALL PUBLISH THE ADJUSTED AMOUNT ON THE SECRETARY OF STATE'S WEBSITE.

(III) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1, 2030, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER IS APPLICABLE TO ACTS OR OMISSIONS OCCURRING ON AND AFTER THE SPECIFIED JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS THEREAFTER.

SECTION 7. Effective date. This act takes effect January 1, 2025.

SECTION 8. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 3, 2024