

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-1197.01 Michael Dohr x4347

HOUSE BILL 24-1472

HOUSE SPONSORSHIP

Brown and Pugliese, Daugherty

SENATE SPONSORSHIP

Mullica and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MATTERS RELATED TO CERTAIN TORT ACTIONS, AND, IN**
102 **CONNECTION THEREWITH, INCREASING THE CAP ON**
103 **NONECONOMIC DAMAGES, ALLOWING SIBLINGS TO BRING A**
104 **WRONGFUL DEATH ACTION IN CERTAIN CIRCUMSTANCES,**
105 **INCREASING A WRONGFUL DEATH DAMAGES CAP, INCREASING**
106 **THE MEDICAL MALPRACTICE WRONGFUL DEATH DAMAGES CAP,**
107 **AND INCREASING THE MEDICAL MALPRACTICE NONECONOMIC**
108 **DAMAGES CAP.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

<http://leg.colorado.gov>.)

For civil actions filed on or after January 1, 2025, the bill increases the cap on damages for noneconomic loss or injury from \$250,000 to \$1.5 million, and starting January 1, 2028, and every 2 years thereafter, adjusts the damages cap based on inflation.

Current law specifies who may sue for wrongful death. The bill adds a sibling of the deceased as a party who may bring a wrongful death action in certain circumstances.

The bill imposes a wrongful death damages cap of \$2.125 million, and starting January 1, 2028, and every 2 years thereafter, adjusts the damages cap based on inflation.

Beginning January 1, 2025, the bill incrementally increases the medical malpractice wrongful death damages limitation to \$1.575 million over the course of 5 years. Thereafter, the cap is adjusted biennially for inflation.

Existing law limits the amount recoverable for noneconomic damages in medical malpractice actions to \$300,000. Beginning January 1, 2025, the bill incrementally increases the noneconomic damages limitation to \$875,000 over the course of 5 years. Thereafter, the cap is adjusted biennially for inflation.

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

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

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

11 **13-21-102.5. Limitations on damages for noneconomic loss or**
12 **injury - definitions.** (2) As used in this section:

13 (a.5) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN

1 THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR
2 STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD
3 FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX.

4 (3) (a) (I) In any civil action FILED BEFORE JANUARY 1, 2025, other
5 than medical malpractice actions, ANY CIVIL ACTION FOR DAMAGES IN
6 TORT BROUGHT AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN
7 SECTION 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN
8 SECTION 13-64-202 (3), OR AS A RESULT OF BINDING ARBITRATION, in
9 which damages for noneconomic loss or injury may be awarded, the total
10 of such damages shall not exceed the sum of two hundred fifty thousand
11 dollars unless the court finds justification by clear and convincing
12 evidence therefor. In no case shall the amount of noneconomic loss or
13 injury damages IN AN ACTION FILED BEFORE JANUARY 1, 2025, exceed five
14 hundred thousand dollars.

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

26 (III) The damages for noneconomic loss or injury in a medical
27 malpractice action, ANY CIVIL ACTION FOR DAMAGES IN TORT BROUGHT

1 AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION
2 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION
3 13-64-202 (3), ~~OR AS A RESULT OF BINDING ARBITRATION,~~ shall ~~not exceed~~
4 ~~the limitations on noneconomic loss or injury specified in~~ BE GOVERNED
5 BY section 13-64-302.

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

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

12 (c) (I) (A) The limitations on damages set forth in ~~subsections~~
13 ~~(3)(a) and (3)(b)~~ SUBSECTION (3)(a)(I) of this section must be adjusted for
14 inflation as of January 1, 1998, January 1, 2008, January 1, 2020, and
15 ~~each~~ ON January 1 every two years thereafter UNTIL JANUARY 1, 2024.
16 The adjustments made on January 1, 1998, January 1, 2008, January 1,
17 2020, and ~~each~~ ON January 1 every two years thereafter UNTIL JANUARY
18 1, 2024, must be based on the cumulative annual adjustment for inflation
19 for each year since the effective date of the damages limitations in
20 ~~subsections (3)(a) and (3)(b)~~ SUBSECTION (3)(a)(I) of this section.

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

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

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

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

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

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

23 **13-21-201. Damages for death.** (1) When any person dies from
24 any injury resulting from or occasioned by the negligence, unskillfulness,
25 or criminal intent of any officer, agent, servant, or employee while
26 running, conducting, or managing any locomotive, car, or train of cars, or
27 of any driver of any coach or other conveyance operated for the purpose

1 of carrying either freight or passengers for hire while in charge of the
2 same as a driver, and when any passenger dies from an injury resulting
3 from or occasioned by any defect or insufficiency in any railroad or any
4 part thereof, or in any locomotive or car, or other conveyance operated for
5 the purpose of carrying either freight or passengers for hire, the
6 corporation or individuals in whose employ any such officer, agent,
7 servant, employee, master, pilot, engineer, or driver is at the time such
8 injury is committed, or who owns any such railroad, locomotive, car, or
9 other conveyance operated for the purpose of carrying either freight or
10 passengers for hire at the time any such injury is received, and resulting
11 from or occasioned by the defect or insufficiency above described shall
12 forfeit and pay for every person and passenger so injured the sum of not
13 exceeding ten thousand dollars and not less than three thousand dollars,
14 which may be sued for and recovered:

15 (a) In the first year after such death:

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

18 (IV) If there is no spouse, by the heir or heirs of the deceased or
19 the designated beneficiary, if there is one designated pursuant to article
20 22 of title 15, ~~C.R.S.~~, with the right to bring an action pursuant to this
21 section, and if there is no designated beneficiary, by the heir or heirs of
22 the deceased; OR

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

1 THE HEIR OR HEIRS OF THE SIBLING OR SIBLINGS OF THE DECEASED.

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

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

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

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

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

15 **13-21-203. Limitation on damages.** (1) (a) All damages
16 accruing under section 13-21-202 shall be sued for and recovered by the
17 same parties and in the same manner as provided in section 13-21-201,
18 and in every such action the jury may give such damages as they may
19 deem fair and just, with reference to the necessary injury resulting from
20 such death, including damages for noneconomic loss or injury as defined
21 in section 13-21-102.5 and subject to the limitations of this section and
22 including within noneconomic loss or injury damages for grief, loss of
23 companionship, pain and suffering, and emotional stress, to the surviving
24 parties who may be entitled to sue; and also having regard to the
25 mitigating or aggravating circumstances attending any such wrongful act,
26 neglect, or default; except that, if the decedent left neither a widow, a
27 widower, minor children, nor a dependent father or mother, the damages

1 recoverable in any such action shall not exceed ~~the limitations for~~
2 ~~noneconomic loss or injury set forth in section 13-21-102.5~~ THE SUM OF
3 TWO MILLION ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS, unless
4 the wrongful act, neglect, or default causing death constitutes a felonious
5 killing, as defined in section 15-11-803 (1)(b), ~~€R.S.~~, and as determined
6 in the manner described in section 15-11-803 (7), ~~€R.S.~~, in which case
7 there shall be no limitation on the damages for noneconomic loss or
8 injury recoverable in such action. No action shall be brought and no
9 recovery shall be had under both section 13-21-201 and section
10 13-21-202, and in all cases the plaintiff is required to elect under which
11 section he or she will proceed. There shall be only one civil action under
12 this part 2 for recovery of damages for the wrongful death of any one
13 decedent. Notwithstanding anything in this section or in section
14 13-21-102.5 to the contrary, there shall be no recovery under this part 2
15 for noneconomic loss or injury in excess of ~~two hundred fifty thousand~~
16 ~~dollars~~ TWO MILLION ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS,
17 unless the wrongful act, neglect, or default causing death constitutes a
18 felonious killing, as defined in section 15-11-803 (1)(b), ~~€R.S.~~, and as
19 determined in the manner described in section 15-11-803 (7). ~~€R.S.~~

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

25 (I) EFFECTIVE JANUARY 1, 2025, THE TOTAL AMOUNT
26 RECOVERABLE FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR
27 INJURY, AS DEFINED IN SECTION 13-64-302 (1)(a)(I) AND (1)(a)(II), IN ANY

1 CIVIL ACTION FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE
2 PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE
3 INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), OR AS A RESULT OF
4 BINDING ARBITRATION, BASED ON A CLAIM OF WRONGFUL DEATH OF A
5 PATIENT SHALL NOT EXCEED FIVE HUNDRED FIFTY-FIVE THOUSAND
6 DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON
7 OR AFTER JANUARY 1, 2025, BUT BEFORE JANUARY 1, 2026.

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

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

1 (IV) EFFECTIVE JANUARY 1, 2028, THE TOTAL AMOUNT
2 RECOVERABLE FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR
3 INJURY, AS DEFINED IN SECTION 13-64-302 (1)(a)(I) AND (1)(a)(II), IN ANY
4 CIVIL ACTION FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE
5 PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE
6 INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), OR AS A RESULT OF
7 BINDING ARBITRATION, BASED ON A CLAIM OF WRONGFUL DEATH OF A
8 PATIENT SHALL NOT EXCEED ONE MILLION THREE HUNDRED TWENTY
9 THOUSAND DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS
10 OCCURRING ON OR AFTER JANUARY 1, 2028, BUT BEFORE JANUARY 1,
11 2029.

12 (V) EFFECTIVE JANUARY 1, 2029, THE TOTAL AMOUNT
13 RECOVERABLE FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR
14 INJURY, AS DEFINED IN SECTION 13-64-302 (1)(a)(I) AND (1)(a)(II), IN ANY
15 CIVIL ACTION FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE
16 PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE
17 INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), OR AS A RESULT OF
18 BINDING ARBITRATION, BASED ON A CLAIM OF WRONGFUL DEATH OF A
19 PATIENT SHALL NOT EXCEED ONE MILLION FIVE HUNDRED SEVENTY-FIVE
20 THOUSAND DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS
21 OCCURRING ON OR AFTER JANUARY 1, 2029, BUT BEFORE JANUARY 1,
22 2030.

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

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

1 **13-21-203.7. Adjustments of dollar limitations for effects of**
2 **inflation - definition.** (1) The limitations on noneconomic damages set
3 forth in section 13-21-203 (1)(a) and the amount of the solatium set forth
4 in section 13-21-203.5 must be adjusted for inflation as of January 1,
5 1998, January 1, 2008, January 1, 2020, and each January 1 every two
6 years thereafter UNTIL JANUARY 1, 2024. The adjustments made on
7 January 1, 1998, January 1, 2008, January 1, 2020, and each January 1
8 every two years thereafter must be based on the cumulative annual
9 adjustment for inflation for each year since the effective date of the
10 damages limitations in sections 13-21-203 (1)(a) and 13-21-203.5. The
11 adjustments made pursuant to this subsection (1) must be rounded upward
12 or downward to the nearest ten-dollar increment.

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

23 (2) As used in this section, "inflation" ~~means the annual~~
24 ~~percentage change in the United States department of labor, bureau of~~
25 ~~labor statistics, consumer price index for Denver-Boulder, all items, all~~
26 ~~urban consumers, or its successor index~~ MEANS THE ANNUAL PERCENTAGE
27 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF

1 LABOR STATISTICS CONSUMER PRICE INDEX FOR
2 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
3 CONSUMERS, OR ITS SUCCESSOR INDEX.

4 (4) (a) EFFECTIVE JANUARY 1, 2030, THE DAMAGES LIMITATION
5 SPECIFIED IN SECTION 13-21-203 (1)(b)(V) MUST BE ADJUSTED FOR
6 INFLATION ON JANUARY 1, 2030, AND ON JANUARY 1 EVERY TWO YEARS
7 THEREAFTER. THE ADJUSTMENTS MADE ON JANUARY 1, 2030, AND ON
8 JANUARY 1 EVERY TWO YEARS THEREAFTER MUST BE BASED ON THE
9 CUMULATIVE ANNUAL ADJUSTMENT FOR INFLATION FOR EACH YEAR SINCE
10 THE EFFECTIVE DATE OF THE DAMAGES LIMITATION SPECIFIED IN SECTION
11 13-21-203 (1)(b)(V). THE ADJUSTMENTS MADE PURSUANT TO THIS
12 SUBSECTION (4) MUST BE ROUNDED UPWARD OR DOWNWARD TO THE
13 NEAREST TEN-DOLLAR INCREMENT.

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

18 (c) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1,
19 2030, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER IS APPLICABLE
20 TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON AND AFTER THE SPECIFIED
21 JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS THEREAFTER.

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

24 **13-64-302. Limitation of liability - interest on damages -**
25 **definition.** (1) (b) The total amount recoverable for all damages for a
26 course of care for all defendants in any civil action for damages in tort
27 brought against a health-care professional, as defined in section

1 13-64-202, or a health-care institution, as defined in section 13-64-202,
2 or as a result of binding arbitration, whether past damages, future
3 damages, or a combination of both, shall not exceed THE GREATER OF one
4 million dollars, present value per patient, OR ONE HUNDRED TWENTY-FIVE
5 PERCENT OF THE NONECONOMIC DAMAGES LIMITATIONS SET FORTH IN
6 SECTION 13-21-203 (1)(b) IN EFFECT AT THE TIME THE ACTS OR OMISSIONS
7 OCCURRED, PRESENT VALUE PER PATIENT, including any claim for
8 derivative noneconomic loss or injury, of which not more than two
9 hundred fifty thousand dollars, present value per patient, including any
10 derivative claim, shall be attributable to direct or derivative noneconomic
11 loss or injury; except that, if, upon good cause shown, the court
12 determines that the present value of past and future economic damages
13 would exceed such limitation and that the application of such limitation
14 would be unfair, the court may award in excess of the limitation the
15 present value of additional past and future economic damages only. The
16 limitations of this section are not applicable to a health-care professional
17 who is a public employee under the "Colorado Governmental Immunity
18 Act" and are not applicable to a certified health-care institution which is
19 a public entity under the "Colorado Governmental Immunity Act". For
20 purposes of this section, "present value" has the same meaning as that set
21 forth in section 13-64-202 (7). The existence of the limitations and
22 exceptions thereto provided in this section shall not be disclosed to a jury.

23 (c) (I) (A) Effective July 1, 2003, the damages limitation of two
24 hundred fifty thousand dollars described in ~~paragraph (b) of this~~
25 ~~subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION shall be increased to
26 three hundred thousand dollars, which increased amount shall apply to
27 acts or omissions occurring on or after said date. It is the intent of the

1 general assembly that the increase reflect an adjustment for inflation to
2 the damages limitation.

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

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

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

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

27 (F) EFFECTIVE JANUARY 1, 2029, THE DAMAGES LIMITATION OF

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

6 (G) EFFECTIVE JANUARY 1, 2030, THE DAMAGES LIMITATIONS IN
7 SUBSECTION (1)(c)(I)(F) OF THIS SECTION MUST BE ADJUSTED FOR
8 INFLATION AS OF JANUARY 1, 2030, AND ON JANUARY 1 EVERY TWO YEARS
9 THEREAFTER. THE ADJUSTMENTS MADE ON JANUARY 1, 2030, AND ON
10 JANUARY 1 EVERY TWO YEARS THEREAFTER MUST BE BASED ON THE
11 CUMULATIVE ANNUAL ADJUSTMENT FOR INFLATION FOR EACH YEAR SINCE
12 THE EFFECTIVE DATE OF THE DAMAGES LIMITATION SPECIFIED IN
13 SUBSECTION (1)(c)(I)(F) OF THIS SECTION. THE ADJUSTMENTS MADE
14 PURSUANT TO THIS SUBSECTION (1)(c)(I)(G) MUST BE ROUNDED UPWARD
15 OR DOWNWARD TO THE NEAREST TEN-DOLLAR INCREMENT. AS USED IN
16 THIS SUBSECTION (1)(c), "INFLATION" MEANS THE ANNUAL PERCENTAGE
17 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF
18 LABOR STATISTICS CONSUMER PRICE INDEX FOR
19 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
20 CONSUMERS, OR ITS SUCCESSOR INDEX.

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

25 (III) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1,
26 2030, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER IS APPLICABLE
27 TO ACTS OR OMISSIONS OCCURRING ON AND AFTER THE SPECIFIED

1 JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS THEREAFTER.

2 **SECTION 7. Effective date.** This act takes effect January 1,
3 2025.

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