

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-1197.01 Michael Dohr x4347

HOUSE BILL 24-1472

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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.

SENATE
3rd Reading Unamended
May 7, 2024

SENATE
2nd Reading Unamended
May 6, 2024

HOUSE
Amended 3rd Reading
May 6, 2024

HOUSE
Amended 2nd Reading
May 5, 2024

<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 OR BINDING
6 ARBITRATION FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE
7 PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE
8 INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), in which damages
9 for noneconomic loss or injury may be awarded, the total of such
10 damages shall not exceed the sum of two hundred fifty thousand dollars
11 unless the court finds justification by clear and convincing evidence
12 therefor. In no case shall the amount of noneconomic loss or injury
13 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, 2025, OTHER THAN ANY CIVIL ACTION OR
18 BINDING ARBITRATION 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),
21 OR WRONGFUL DEATH ACTION, IN WHICH DAMAGES FOR DERIVATIVE OR
22 DIRECT NONECONOMIC LOSS OR INJURY MAY BE AWARDED, THE TOTAL
23 AMOUNT OF SUCH DAMAGES THAT MAY BE AWARDED MUST NOT EXCEED
24 THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

25 (III) The damages for noneconomic loss or injury in ~~a medical~~
26 ~~malpractice action~~, ANY CIVIL ACTION OR BINDING ARBITRATION FOR
27 DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE PROFESSIONAL, AS

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

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

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

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

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

27 (C) The INFLATION adjustments made pursuant to this subsection

1 (3)(c)(I) must be rounded upward or downward to the nearest ten-dollar
2 increment.

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

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

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

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

22 **13-21-201. Damages for death.** (1) When any person dies from
23 any injury resulting from or occasioned by the negligence, unskillfulness,
24 or criminal intent of any officer, agent, servant, or employee while
25 running, conducting, or managing any locomotive, car, or train of cars, or
26 of any driver of any coach or other conveyance operated for the purpose
27 of carrying either freight or passengers for hire while in charge of the

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

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

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

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

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

- 1 (b) (I) In the second year after such death:
- 2 (C) By the spouse and the heir or heirs of the deceased; ~~or~~
- 3 (D) By the designated beneficiary of the deceased, if there is one
- 4 designated pursuant to article 22 of title 15, ~~C.R.S.~~, with the right to bring
- 5 an action pursuant to this section, and the heir or heirs of the deceased; OR
- 6 (E) BY THE SIBLING OR SIBLINGS OF THE DECEASED OR THE HEIR OR
- 7 HEIRS OF THE SIBLING OR SIBLINGS OF THE DECEASED, BUT ONLY IF, AT THE
- 8 TIME OF DEATH, THE DECEASED HAD NO SURVIVING SPOUSE, NO HEIR OR
- 9 HEIRS, AND NO DESIGNATED BENEFICIARY, OR, IF THE DECEASED WAS AN
- 10 UNMARRIED MINOR WITHOUT DESCENDANTS OR AN UNMARRIED ADULT
- 11 WITHOUT DESCENDANTS, AND HAD NO MOTHER AND NO FATHER.

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

14 **13-21-203. Limitation on damages.** (1) (a) All damages
15 accruing under section 13-21-202 shall be sued for and recovered by the
16 same parties and in the same manner as provided in section 13-21-201,
17 and in every such action the jury may give such damages as they may
18 deem fair and just, with reference to the necessary injury resulting from
19 such death, including damages for noneconomic loss or injury as defined
20 in section 13-21-102.5 and subject to the limitations of this section and
21 including within noneconomic loss or injury damages for grief, loss of
22 companionship, pain and suffering, and emotional stress, to the surviving
23 parties who may be entitled to sue; and also having regard to the
24 mitigating or aggravating circumstances attending any such wrongful act,
25 neglect, or default; except that, if the decedent left neither a widow, a
26 widower, minor children, nor a dependent father or mother, the damages
27 recoverable in any such action shall not exceed ~~the limitations for~~

1 ~~noneconomic loss or injury set forth in section 13-21-102.5~~ THE SUM OF
2 TWO MILLION ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS IN ANY
3 WRONGFUL DEATH ACTION OR BINDING ARBITRATION FILED ON OR AFTER
4 JANUARY 1, 2025, AND BEFORE JANUARY 1, 2026, OR ANY WRONGFUL
5 DEATH CLAIM THAT ACCRUES ON OR AFTER JANUARY 1, 2025, IN WHICH
6 DAMAGES FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR INJURY
7 MAY BE AWARDED, unless the wrongful act, neglect, or default causing
8 death constitutes a felonious killing, as defined in section 15-11-803
9 (1)(b), ~~€R.S.~~, and as determined in the manner described in section
10 15-11-803 (7), ~~€R.S.~~, in which case there shall be no limitation on the
11 damages for noneconomic loss or injury recoverable in such action. No
12 action shall be brought and no recovery shall be had under both section
13 13-21-201 and section 13-21-202, and in all cases the plaintiff is required
14 to elect under which section he or she will proceed. There shall be only
15 one civil action under this part 2 for recovery of damages for the
16 wrongful death of any one decedent. Notwithstanding anything in this
17 section or in section 13-21-102.5 to the contrary, there shall be no
18 recovery under this part 2 for noneconomic loss or injury in excess of ~~two~~
19 ~~hundred fifty thousand dollars~~ TWO MILLION ONE HUNDRED TWENTY-FIVE
20 THOUSAND DOLLARS IN ANY WRONGFUL DEATH ACTION OR BINDING
21 ARBITRATION FILED ON OR AFTER JANUARY 1, 2025, AND BEFORE
22 JANUARY 1, 2026, OR ANY WRONGFUL DEATH CLAIM THAT ACCRUES ON OR
23 AFTER JANUARY 1, 2025, IN WHICH DAMAGES FOR DERIVATIVE OR DIRECT
24 NONECONOMIC LOSS OR INJURY MAY BE AWARDED, unless the wrongful
25 act, neglect, or default causing death constitutes a felonious killing, as
26 defined in section 15-11-803 (1)(b), ~~€R.S.~~, and as determined in the
27 manner described in section 15-11-803 (7). ~~€R.S.~~ DAMAGES ARISING

1 FROM CLAIMS BROUGHT AGAINST A PUBLIC ENTITY OR PUBLIC EMPLOYEE,
2 AS DEFINED IN SECTION 24-10-103, SHALL BE CONTROLLED BY THE
3 DAMAGE LIMITATIONS SET FORTH IN SECTION 24-10-114.

4 (b) ~~The damages recoverable for noneconomic loss or injury in~~
5 ~~any medical malpractice action shall not exceed the limitations on~~
6 ~~noneconomic loss or injury set forth in section 13-64-302.~~

7 NOTWITHSTANDING THE LIMITATION SET FORTH IN SUBSECTION (1)(a) OF
8 THIS SECTION OR IN SECTION 13-64-302 (1):

9 (I) EFFECTIVE JANUARY 1, 2025, THE TOTAL AMOUNT
10 RECOVERABLE FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR
11 INJURY, AS DEFINED IN SECTION 13-64-302 (1)(a)(I) AND (1)(a)(II), IN ANY
12 CIVIL ACTION OR BINDING ARBITRATION FOR DAMAGES IN TORT BROUGHT
13 AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION
14 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION
15 13-64-202 (3), ■ BASED ON A CLAIM OF WRONGFUL DEATH OF A PATIENT
16 SHALL NOT EXCEED FIVE HUNDRED FIFTY-FIVE THOUSAND DOLLARS,
17 WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON OR AFTER
18 JANUARY 1, 2025, BUT BEFORE JANUARY 1, 2026.

19 (II) EFFECTIVE JANUARY 1, 2026, THE TOTAL AMOUNT
20 RECOVERABLE FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR
21 INJURY, AS DEFINED IN SECTION 13-64-302 (1)(a)(I) AND (1)(a)(II), IN ANY
22 CIVIL ACTION OR BINDING ARBITRATION FOR DAMAGES IN TORT BROUGHT
23 AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION
24 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION
25 13-64-202 (3), ■ BASED ON A CLAIM OF WRONGFUL DEATH OF A PATIENT
26 SHALL NOT EXCEED EIGHT HUNDRED TEN THOUSAND DOLLARS, WHICH
27 AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON OR AFTER

1 JANUARY 1, 2026, BUT BEFORE JANUARY 1, 2027.

2 (III) EFFECTIVE JANUARY 1, 2027, THE TOTAL AMOUNT
3 RECOVERABLE FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR
4 INJURY, AS DEFINED IN SECTION 13-64-302 (1)(a)(I) AND (1)(a)(II), IN ANY
5 CIVIL ACTION OR BINDING ARBITRATION FOR DAMAGES IN TORT BROUGHT
6 AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION
7 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION
8 13-64-202 (3), ■ BASED ON A CLAIM OF WRONGFUL DEATH OF A PATIENT
9 SHALL NOT EXCEED ONE MILLION SIXTY-FIVE THOUSAND DOLLARS, WHICH
10 AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON OR AFTER
11 JANUARY 1, 2027, BUT BEFORE JANUARY 1, 2028.

12 (IV) EFFECTIVE JANUARY 1, 2028, 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 OR BINDING ARBITRATION FOR DAMAGES IN TORT BROUGHT
16 AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION
17 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION
18 13-64-202 (3), ■ BASED ON A CLAIM OF WRONGFUL DEATH OF A PATIENT
19 SHALL NOT EXCEED ONE MILLION THREE HUNDRED TWENTY THOUSAND
20 DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON
21 OR AFTER JANUARY 1, 2028, BUT BEFORE JANUARY 1, 2029.

22 (V) EFFECTIVE JANUARY 1, 2029, THE TOTAL AMOUNT
23 RECOVERABLE FOR DERIVATIVE OR DIRECT NONECONOMIC LOSS OR
24 INJURY, AS DEFINED IN SECTION 13-64-302 (1)(a)(I) AND (1)(a)(II), IN ANY
25 CIVIL ACTION OR BINDING ARBITRATION FOR DAMAGES IN TORT BROUGHT
26 AGAINST A HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION
27 13-64-202 (4), OR A HEALTH-CARE INSTITUTION, AS DEFINED IN SECTION

1 13-64-202 (3), ■ BASED ON A CLAIM OF WRONGFUL DEATH OF A PATIENT
2 SHALL NOT EXCEED ONE MILLION FIVE HUNDRED SEVENTY-FIVE THOUSAND
3 DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON
4 OR AFTER JANUARY 1, 2029, BUT BEFORE JANUARY 1, 2030.

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

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

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

16 **13-21-203.7. Adjustments of dollar limitations for effects of**
17 **inflation - definition.** (1) The limitations on noneconomic damages set
18 forth in section 13-21-203 (1)(a) and the amount of the solatium set forth
19 in section 13-21-203.5 must be adjusted for inflation as of January 1,
20 1998, January 1, 2008, January 1, 2020, and each January 1 every two
21 years thereafter UNTIL JANUARY 1, 2024. The adjustments made on
22 January 1, 1998, January 1, 2008, January 1, 2020, and each January 1
23 every two years thereafter must be based on the cumulative annual
24 adjustment for inflation for each year since the effective date of the
25 damages limitations in sections 13-21-203 (1)(a) and 13-21-203.5. The
26 adjustments made pursuant to this subsection (1) must be rounded upward
27 or downward to the nearest ten-dollar increment.

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

11 (2) As used in this section, "inflation" ~~means the annual~~
12 ~~percentage change in the United States department of labor, bureau of~~
13 ~~labor statistics, consumer price index for Denver-Boulder, all items, all~~
14 ~~urban consumers, or its successor index~~ MEANS THE ANNUAL PERCENTAGE
15 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF
16 LABOR STATISTICS CONSUMER PRICE INDEX FOR
17 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
18 CONSUMERS, OR ITS SUCCESSOR INDEX.

19 (4) (a) EFFECTIVE JANUARY 1, 2030, THE DAMAGES LIMITATION
20 SPECIFIED IN SECTION 13-21-203 (1)(b)(V) MUST BE ADJUSTED FOR
21 INFLATION ON JANUARY 1, 2030, AND ON JANUARY 1 EVERY TWO YEARS
22 THEREAFTER. THE ADJUSTMENTS MADE ON JANUARY 1, 2030, AND ON
23 JANUARY 1 EVERY TWO YEARS THEREAFTER MUST BE BASED ON THE
24 CUMULATIVE ANNUAL ADJUSTMENT FOR INFLATION FOR EACH YEAR SINCE
25 THE EFFECTIVE DATE OF THE DAMAGES LIMITATION SPECIFIED IN SECTION
26 13-21-203 (1)(b)(V). THE ADJUSTMENTS MADE PURSUANT TO THIS
27 SUBSECTION (4) MUST BE ROUNDED UPWARD OR DOWNWARD TO THE

1 NEAREST TEN-DOLLAR INCREMENT.

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

6 (c) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1,
7 2030, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER IS APPLICABLE
8 TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON AND AFTER THE SPECIFIED
9 JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS THEREAFTER.

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

12 **13-64-302. Limitation of liability - interest on damages -**
13 **definition.** (1) (b) The total amount recoverable for all damages for a
14 course of care for all defendants in any civil action for damages in tort
15 brought against a health-care professional, as defined in section
16 13-64-202, or a health-care institution, as defined in section 13-64-202,
17 or as a result of binding arbitration, whether past damages, future
18 damages, or a combination of both, shall not exceed THE GREATER OF one
19 million dollars, present value per patient, OR ONE HUNDRED TWENTY-FIVE
20 PERCENT OF THE NONECONOMIC DAMAGES LIMITATIONS SET FORTH IN
21 SECTION 13-21-203 (1)(b) IN EFFECT AT THE TIME THE ACTS OR OMISSIONS
22 OCCURRED, PRESENT VALUE PER PATIENT, including any claim for
23 derivative noneconomic loss or injury, of which not more than two
24 hundred fifty thousand dollars, present value per patient, including any
25 derivative claim, shall be attributable to direct or derivative noneconomic
26 loss or injury; except that, if, upon good cause shown, the court
27 determines that the present value of past and future economic damages

1 would exceed such limitation and that the application of such limitation
2 would be unfair, the court may award in excess of the limitation the
3 present value of additional past and future economic damages only. The
4 limitations of this section are not applicable to a health-care professional
5 who is a public employee under the "Colorado Governmental Immunity
6 Act" and are not applicable to a certified health-care institution which is
7 a public entity under the "Colorado Governmental Immunity Act". For
8 purposes of this section, "present value" has the same meaning as that set
9 forth in section 13-64-202 (7). The existence of the limitations and
10 exceptions thereto provided in this section shall not be disclosed to a jury.

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

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

24 (C) EFFECTIVE JANUARY 1, 2026, THE DAMAGES LIMITATION OF
25 FOUR HUNDRED FIFTEEN THOUSAND DOLLARS DESCRIBED IN SUBSECTION
26 (1)(c)(I)(B) OF THIS SECTION IS INCREASED TO FIVE HUNDRED THIRTY
27 THOUSAND DOLLARS, WHICH INCREASED AMOUNT APPLIES TO ACTS OR

1 OMISSIONS OCCURRING ON OR AFTER JANUARY 1, 2026, BUT BEFORE
2 JANUARY 1, 2027.

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

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

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

21 (G) EFFECTIVE JANUARY 1, 2030, THE DAMAGES LIMITATIONS IN
22 SUBSECTION (1)(c)(I)(F) OF THIS SECTION MUST BE ADJUSTED FOR
23 INFLATION AS OF JANUARY 1, 2030, AND ON JANUARY 1 EVERY TWO YEARS
24 THEREAFTER. THE ADJUSTMENTS MADE ON JANUARY 1, 2030, AND ON
25 JANUARY 1 EVERY TWO YEARS THEREAFTER MUST BE BASED ON THE
26 CUMULATIVE ANNUAL ADJUSTMENT FOR INFLATION FOR EACH YEAR SINCE
27 THE EFFECTIVE DATE OF THE DAMAGES LIMITATION SPECIFIED IN

1 SUBSECTION (1)(c)(I)(F) OF THIS SECTION. THE ADJUSTMENTS MADE
2 PURSUANT TO THIS SUBSECTION (1)(c)(I)(G) MUST BE ROUNDED UPWARD
3 OR DOWNWARD TO THE NEAREST TEN-DOLLAR INCREMENT. AS USED IN
4 THIS SUBSECTION (1)(c), "INFLATION" MEANS THE ANNUAL PERCENTAGE
5 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF
6 LABOR STATISTICS CONSUMER PRICE INDEX FOR
7 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
8 CONSUMERS, OR ITS SUCCESSOR INDEX.

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

13 (III) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1,
14 2030, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER IS APPLICABLE
15 TO ACTS OR OMISSIONS OCCURRING ON AND AFTER THE SPECIFIED
16 JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS THEREAFTER.

17 **SECTION 7. Effective date.** This act takes effect January 1,
18 2025.

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