

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-1197.01 Michael Dohr x4347

HOUSE BILL 24-1472

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HOUSE SPONSORSHIP

**Brown and Pugliese, Daugherty**

SENATE SPONSORSHIP

**Mullica and Gardner,**

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**House Committees**  
Judiciary

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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.**

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**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.

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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-LAKWOOD  
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), in which damages for noneconomic loss or injury  
9 may be awarded, the total of such damages shall not exceed the sum of  
10 two hundred fifty thousand dollars unless the court finds justification by  
11 clear and convincing evidence therefor. In no case shall the amount of  
12 noneconomic loss or injury damages IN AN ACTION FILED BEFORE  
13 JANUARY 1, 2025, exceed five hundred thousand dollars.

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

24 (III) The damages for noneconomic loss or injury in a medical  
25 malpractice action, ANY CIVIL ACTION 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), shall ~~not exceed the limitations on noneconomic loss or~~  
2 ~~injury specified in~~ BE GOVERNED BY section 13-64-302.

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

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

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

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

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

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

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

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

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

20           **13-21-201. Damages for death.** (1) When any person dies from  
21 any injury resulting from or occasioned by the negligence, unskillfulness,  
22 or criminal intent of any officer, agent, servant, or employee while  
23 running, conducting, or managing any locomotive, car, or train of cars, or  
24 of any driver of any coach or other conveyance operated for the purpose  
25 of carrying either freight or passengers for hire while in charge of the  
26 same as a driver, and when any passenger dies from an injury resulting  
27 from or occasioned by any defect or insufficiency in any railroad or any

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

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

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

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

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

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

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

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

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

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

12 **13-21-203. Limitation on damages.** (1) (a) All damages  
13 accruing under section 13-21-202 shall be sued for and recovered by the  
14 same parties and in the same manner as provided in section 13-21-201,  
15 and in every such action the jury may give such damages as they may  
16 deem fair and just, with reference to the necessary injury resulting from  
17 such death, including damages for noneconomic loss or injury as defined  
18 in section 13-21-102.5 and subject to the limitations of this section and  
19 including within noneconomic loss or injury damages for grief, loss of  
20 companionship, pain and suffering, and emotional stress, to the surviving  
21 parties who may be entitled to sue; and also having regard to the  
22 mitigating or aggravating circumstances attending any such wrongful act,  
23 neglect, or default; except that, if the decedent left neither a widow, a  
24 widower, minor children, nor a dependent father or mother, the damages  
25 recoverable in any such action shall not exceed ~~the limitations for~~  
26 ~~noneconomic loss or injury set forth in section 13-21-102.5~~ THE SUM OF  
27 TWO MILLION ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS, unless

1 the wrongful act, neglect, or default causing death constitutes a felonious  
2 killing, as defined in section 15-11-803 (1)(b), ~~€R.S.~~, and as determined  
3 in the manner described in section 15-11-803 (7), ~~€R.S.~~, in which case  
4 there shall be no limitation on the damages for noneconomic loss or  
5 injury recoverable in such action. No action shall be brought and no  
6 recovery shall be had under both section 13-21-201 and section  
7 13-21-202, and in all cases the plaintiff is required to elect under which  
8 section he or she will proceed. There shall be only one civil action under  
9 this part 2 for recovery of damages for the wrongful death of any one  
10 decedent. Notwithstanding anything in this section or in section  
11 13-21-102.5 to the contrary, there shall be no recovery under this part 2  
12 for noneconomic loss or injury in excess of ~~two hundred fifty thousand~~  
13 ~~dollars~~ TWO MILLION ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS,  
14 unless the wrongful act, neglect, or default causing death constitutes a  
15 felonious killing, as defined in section 15-11-803 (1)(b), ~~€R.S.~~, and as  
16 determined in the manner described in section 15-11-803 (7). ~~€R.S.~~

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

22 (I) EFFECTIVE JANUARY 1, 2025, 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 FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE  
26 PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE  
27 INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), OR AS A RESULT OF



1 BINDING ARBITRATION, BASED ON A CLAIM OF WRONGFUL DEATH OF A  
2 PATIENT SHALL NOT EXCEED FIVE HUNDRED FIFTY-FIVE THOUSAND  
3 DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS OCCURRING ON  
4 OR AFTER JANUARY 1, 2025, BUT BEFORE JANUARY 1, 2026.

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

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

25 (IV) EFFECTIVE JANUARY 1, 2028, 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 ONE MILLION THREE HUNDRED TWENTY  
6 THOUSAND DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS  
7 OCCURRING ON OR AFTER JANUARY 1, 2028, BUT BEFORE JANUARY 1,  
8 2029.

9 (V) EFFECTIVE JANUARY 1, 2029, 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 FOR DAMAGES IN TORT BROUGHT AGAINST A HEALTH-CARE  
13 PROFESSIONAL, AS DEFINED IN SECTION 13-64-202 (4), OR A HEALTH-CARE  
14 INSTITUTION, AS DEFINED IN SECTION 13-64-202 (3), OR AS A RESULT OF  
15 BINDING ARBITRATION, BASED ON A CLAIM OF WRONGFUL DEATH OF A  
16 PATIENT SHALL NOT EXCEED ONE MILLION FIVE HUNDRED SEVENTY-FIVE  
17 THOUSAND DOLLARS, WHICH AMOUNT APPLIES TO ACTS OR OMISSIONS  
18 OCCURRING ON OR AFTER JANUARY 1, 2029, BUT BEFORE JANUARY 1,  
19 2030.

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

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

25 **13-21-203.7. Adjustments of dollar limitations for effects of**  
26 **inflation - definition.** (1) The limitations on noneconomic damages set  
27 forth in section 13-21-203 (1)(a) and the amount of the solatium set forth

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

10 (1.5) AFTER JANUARY 1, 2024, THE LIMITATIONS ON DAMAGES SET  
11 FORTH IN SECTION 13-21-203 (1)(a) MUST BE ADJUSTED FOR INFLATION  
12 JANUARY 1, 2028, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER.  
13 THE ADJUSTMENTS MADE ON JANUARY 1, 2028, AND ON JANUARY 1 EVERY  
14 TWO YEARS THEREAFTER MUST BE BASED ON THE CUMULATIVE ANNUAL  
15 ADJUSTMENT FOR INFLATION FOR EACH YEAR SINCE THE EFFECTIVE DATE  
16 OF THE DAMAGES LIMITATIONS IN SECTION 13-21-203 (1)(a). THE  
17 ADJUSTMENTS MADE PURSUANT TO THIS SUBSECTION (1.5) MUST BE  
18 ROUNDED UPWARD OR DOWNWARD TO THE NEAREST TEN-DOLLAR  
19 INCREMENT.

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

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

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

15           (c) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1,  
16 2030, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER IS APPLICABLE  
17 TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON AND AFTER THE SPECIFIED  
18 JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS THEREAFTER.

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

21           **13-64-302. Limitation of liability - interest on damages -**  
22 **definition.** (1) (b) The total amount recoverable for all damages for a  
23 course of care for all defendants in any civil action for damages in tort  
24 brought against a health-care professional, as defined in section  
25 13-64-202, or a health-care institution, as defined in section 13-64-202,  
26 or as a result of binding arbitration, whether past damages, future  
27 damages, or a combination of both, shall not exceed THE GREATER OF one

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

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

27 (B) EFFECTIVE JANUARY 1, 2025, IN AN ACTION FILED ON OR AFTER

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

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

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

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

24 (F) EFFECTIVE JANUARY 1, 2029, THE DAMAGES LIMITATION OF  
25 SEVEN HUNDRED SIXTY THOUSAND DOLLARS DESCRIBED IN SUBSECTION  
26 (1)(c)(I)(E) OF THIS SECTION IS INCREASED TO EIGHT HUNDRED  
27 SEVENTY-FIVE THOUSAND DOLLARS, WHICH INCREASED AMOUNT APPLIES

1 TO ACTS OR OMISSIONS OCCURRING ON OR AFTER JANUARY 1, 2029, BUT  
2 BEFORE JANUARY 1, 2030.

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

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

22 (III) THE ADJUSTED LIMITATION ON DAMAGES AS OF JANUARY 1,  
23 2030, AND ON JANUARY 1 EVERY TWO YEARS THEREAFTER IS APPLICABLE  
24 TO ACTS OR OMISSIONS OCCURRING ON AND AFTER THE SPECIFIED  
25 JANUARY 1 AND BEFORE THE JANUARY 1 TWO YEARS THEREAFTER.

26 **SECTION 7. Effective date.** This act takes effect January 1,  
27 2025.

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