
A BILL FOR AN ACT

RELATING TO NONECONOMIC DAMAGES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 663-8.7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[†]~~§663-8.7~~[†]~~ [~~Limitation~~] Limitations on [~~pain and~~
4 ~~suffering.~~] noneconomic damages. (a) Noneconomic damages, as
5 defined in section 663-8.5, in an action for a medical tort
6 shall be limited to a maximum award of \$500,000 per person or
7 \$1,000,000 per occurrence, whichever is less, for the following:

8 (1) Mental anguish;

9 (2) Disfigurement;

10 (3) Loss of enjoyment of life;

11 (4) Loss of consortium; and

12 (5) All other nonpecuniary losses or claims, except for
13 pain and suffering.

14 (b) Damages recoverable for pain and suffering as defined
15 in section 663-8.5 shall be limited [~~to a maximum award of~~] as
16 follows:

17 (1) In an action for a medical tort, to a maximum award
18 of:



- 1 (A) \$250,000 per person;
- 2 (B) Three times a person's economic loss to a maximum
- 3 award of \$400,000 per person; or
- 4 (C) \$500,000 per occurrence; and

5 (2) In all other actions, to a maximum award of \$375,000;
6 provided that this limitation shall not apply to tort
7 actions enumerated in section 663-10.9(2).

8 (c) As used in this section:

9 "Health care provider" has the same meaning as that term is
10 defined under section 671-1; provided that it shall also include
11 a dentist licensed under chapter 448.

12 "Medical tort" means professional negligence, the rendering
13 of professional service without informed consent, or an error or
14 omission in professional practice by a health care provider that
15 proximately causes death, injury, or other damage to a patient."

16 SECTION 2. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun, before its effective date.

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



H.B. NO. 2284

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Cindy Evans

JAN 15 2008



Report Title:

Medical Tort Reform; Noneconomic Damages

Description:

Limits noneconomic damages in an action for a medical tort.
Includes dentists.

