

WORKING DRAFT

SENATE FILE NO. _____

Loss of chance doctrine abrogated.

Sponsored by: Senator(s) Scott

A BILL

for

1 AN ACT relating to civil actions; abrogating the common law
2 doctrine of "loss of chance" as specified; providing
3 legislative findings; specifying applicability; and
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 1-12-602 is created to read:

9

10 **1-12-602. Loss of chance doctrine abrogated;**
11 **findings.**

12

13 The Wyoming legislature finds that in those actions founded
14 upon an alleged want of ordinary care or skill, the conduct
15 of the responsible party must be shown to have been the

1 proximate cause of the injury upon which the complaint is
2 based. The legislature also finds that the application of
3 the "loss of chance doctrine" as applied by the Wyoming
4 Supreme Court in McMackin v. Johnson County Healthcare
5 Center et al., 73 P.3d 1094 (Wyo. 2003), improperly alters
6 or eliminates the requirement of proximate causation.
7 Therefore, the loss of chance doctrine is hereby abrogated.

8

9 **Section 2.** This act applies to causes of action for
10 personal injury or death for which a complaint is initially
11 filed on or after the effective date of this act.

12

13 **Section 3.** This act is effective immediately upon
14 completion of all acts necessary for a bill to become law
15 as provided by Article 4, Section 8 of the Wyoming
16 Constitution.

17

18

(END)