

HOUSE JOINT RESOLUTION NO. HJ0002

Healthcare providers-constitutional amendment.

Sponsored by: Joint Labor, Health and Social Services Interim Committee

A BILL

for

1 A JOINT RESOLUTION proposing to amend the Wyoming  
2 Constitution to modify the prohibition against the  
3 legislature limiting the amount of damages that may be  
4 recovered for causing personal injury or death of any  
5 person.

6

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,  
8 two-thirds of all the members of the two houses, voting  
9 separately, concurring therein:

10

11 **Section 1.** The following proposal to amend Wyoming  
12 Constitution, Article 10, Section 4 is proposed for  
13 submission to the electors of the State of Wyoming at the  
14 next general election for approval or rejection to become  
15 valid as a part of the Constitution if ratified by a  
16 majority of the electors at the election:

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2       **Article 10, Section 4. Damages for personal injuries**  
3 **or death; worker's compensation.**

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5       (a) No law shall be enacted limiting the amount of  
6 damages to be recovered for causing the injury or death of  
7 any person.

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9       (b) Any section of this constitution to the contrary  
10 notwithstanding, for any civil action where a person  
11 alleges that a health care provider's act or omission in  
12 the provision of health care resulted in death or injury,  
13 the legislature may by general law:

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15       (i) Limit the amount to be recovered from the  
16 health care provider for noneconomic loss resulting from  
17 the death or injury; and

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19       (ii) Mandate alternative dispute resolution or  
20 review by a medical review panel before the filing of a  
21 civil action against the health care provider.

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23       (c) Any contract or agreement with any employee  
24 waiving any right to recover damages for causing the death

1 or injury of any employee shall be void. As to all  
2 extrahazardous employments the legislature shall provide by  
3 law for the accumulation and maintenance of a fund or funds  
4 out of which shall be paid compensation as may be fixed by  
5 law according to proper classifications to each person  
6 injured in such employment or to the dependent families of  
7 such as die as the result of such injuries, except in case  
8 of injuries due solely to the culpable negligence of the  
9 injured employee. The fund or funds shall be accumulated,  
10 paid into the state treasury and maintained in such manner  
11 as may be provided by law. Monies in the fund shall be  
12 expended only for compensation authorized by this section,  
13 for administration and management of the Worker's  
14 Compensation Act, debt service related to the fund and for  
15 workplace safety programs conducted by the state as  
16 authorized by law. The right of each employee to  
17 compensation from the fund shall be in lieu of and shall  
18 take the place of any and all rights of action against any  
19 employer contributing as required by law to the fund in  
20 favor of any person or persons by reason of the injuries or  
21 death. Subject to conditions specified by law, the  
22 legislature may allow employments not designated  
23 extrahazardous to be covered by the state fund at the  
24 option of the employer. To the extent an employer elects

1 to be covered by the state fund and contributes to the fund  
2 as required by law, the employer shall enjoy the same  
3 immunity as provided for extrahazardous employments.

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5 **Section 2.** That the Secretary of State shall endorse  
6 the following statement on the proposed amendment:

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8 This amendment would allow the Wyoming legislature to enact  
9 laws limiting the amount of noneconomic damages that could  
10 be awarded for injury or death caused by a health care  
11 provider, and to enact laws requiring alternative dispute  
12 resolution or medical panel review before a person files a  
13 lawsuit against a health care provider for injury or death.

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(END)