

By: Nixon, et al. (Senate Sponsor - Ratliff) H.J.R. No. 3  
(In the Senate - Received from the House March 31, 2003;  
March 31, 2003, read first time and referred to Committee on State  
Affairs; May 14, 2003, reported favorably by the following vote:  
Yeas 7, Nays 0; May 14, 2003, sent to printer.)

#### HOUSE JOINT RESOLUTION

proposing a constitutional amendment concerning civil lawsuits  
against doctors and health care providers, and other actions,  
authorizing the legislature to determine limitations on  
non-economic damages.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Texas Constitution, is amended by  
adding Section 66 to read as follows:

Sec. 66. (a) In this section "economic damages" means  
compensatory damages for any pecuniary loss or damage. The term  
does not include any loss or damage, however characterized, for  
past, present, and future physical pain and suffering, mental  
anguish and suffering, loss of consortium, loss of companionship  
and society, disfigurement, or physical impairment.

(b) Notwithstanding any other provision of this  
constitution, the legislature by statute may determine the limit of  
liability for all damages and losses, however characterized, other  
than economic damages, of a provider of medical or health care with  
respect to treatment, lack of treatment, or other claimed departure  
from an accepted standard of medical or health care or safety,  
however characterized, that is or is claimed to be a cause of, or  
that contributes or is claimed to contribute to, disease, injury,  
or death of a person. This subsection applies without regard to  
whether the claim or cause of action arises under or is derived from  
common law, a statute, or other law, including any claim or cause of  
action based or sounding in tort, contract, or any other theory or  
any combination of theories of liability. The claim or cause of  
action includes a medical or health care liability claim as defined  
by the legislature.

(c) Notwithstanding any other provision of this  
constitution, after January 1, 2005, the legislature by statute may  
determine the limit of liability for all damages and losses,  
however characterized, other than economic damages, in a claim or  
cause of action not covered by Subsection (b) of this section. This  
subsection applies without regard to whether the claim or cause of  
action arises under or is derived from common law, a statute, or  
other law, including any claim or cause of action based or sounding  
in tort, contract, or any other theory or any combination of  
theories of liability.

(d) Except as provided by Subsection (c) of this section,  
this section applies to a law enacted by the 78th Legislature,  
Regular Session, 2003, and to all subsequent regular or special  
sessions of the legislature.

(e) A legislative exercise of authority under Subsection  
(c) of this section requires a three-fifths vote of all the members  
elected to each house and must include language citing this  
section.

SECTION 2. This proposed constitutional amendment shall be  
submitted to the voters at an election to be held September 13,  
2003. The ballot shall be printed to permit voting for or against  
the proposition: "The constitutional amendment concerning civil  
lawsuits against doctors and health care providers, and other  
actions, authorizing the legislature to determine limitations on  
non-economic damages."

SECTION 3. If a majority of the voters vote against this  
proposed constitutional amendment, a court may not consider any  
aspect of the vote for any purpose, in any manner, or to any extent.

\* \* \* \* \*