

HOUSE BILL NO. 1390

Introduced by

Representatives Belter, Schneider

Senator Grindberg

1 A BILL for an Act to amend and reenact section 32-42-01 of the North Dakota Century Code,
2 relating to the definition of noneconomic damages; and to repeal section 32-42-02 of the North
3 Dakota Century Code, relating to noneconomic damages in health care malpractice actions.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 32-42-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **32-42-01. Definitions.** In this chapter:

- 8 1. "Alternative dispute resolution" means the resolution of a health care malpractice
9 claim in a manner other than through a health care malpractice action.
- 10 2. "Claimant" means any person who alleges a health care malpractice claim, and
11 any person on whose behalf the claim is alleged, including the decedent in the
12 case of an action brought through or on behalf of an estate.
- 13 3. "Health care malpractice action" means a claim for relief brought against a health
14 care provider, or other defendant joined in the action, regardless of the theory of
15 liability on which the claim is based, in which the claimant alleges a health care
16 malpractice claim.
- 17 4. "Health care malpractice claim" means a claim brought against a health care
18 provider or other defendant joined in a claim alleging that an injury was suffered by
19 the claimant as a result of health care negligence or gross negligence, breach of
20 express or implied warranty or contract, failure to discharge a duty to warn, or
21 failure to obtain consent arising from the provision of or failure to provide health
22 care services.
- 23 5. "Health care negligence" means an act or omission by a health care provider which
24 deviates from the applicable standard of care and causes an injury.

1 6. "Health care provider" means a person who is licensed, certified, or otherwise
2 authorized by the law of this state to administer health care in the ordinary course
3 of business or practice of a profession.

4 7. "Injury" means an injury, illness, disease, or other harm suffered by an individual as
5 a result of the provision of health care services by a health care provider.

6 8. ~~"Noneconomic damage" means damage arising from pain; suffering;
7 inconvenience; physical impairment; disfigurement; mental anguish; emotional
8 distress; fear of injury, loss, or illness; loss of society and companionship; loss of
9 consortium; injury to reputation; humiliation; and other nonpecuniary damage
10 incurred by an individual with respect to which a health care malpractice action or
11 claim is pursued.~~

12 **SECTION 2. REPEAL.** Section 32-42-02 of the North Dakota Century Code is
13 repealed.