A JOINT RESOLUTION

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing legislation to limit recovery of noneconomic and punitive damages in medical malpractice actions.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 18 of Article III be amended to read:

§ 18. Compensation and medical malpractice laws allowed to General Assembly.

(a) The General Assembly may enact laws requiring the payment by employers, or employers and employees jointly, of reasonable compensation for injuries to employees arising in the course of their employment, and for occupational diseases of employees, whether or not such injuries or diseases result in death, and regardless of fault of employer or employee, and fixing the basis of ascertainment of such compensation and the
maximum and minimum limits thereof, and providing special or
general remedies for the collection [thereof; but in no other
cases shall the General Assembly limit the amount to be
recovered for injuries resulting in death, or for injuries to
persons or property, and in] thereof. In case of death from such
injuries, the right of action shall survive, and the General
Assembly shall prescribe for whose benefit such actions shall be
prosecuted. No act shall prescribe any limitations of time
within which suits may be brought against corporations for
injuries to persons or property, or for other causes different
from those fixed by general laws regulating actions against
natural persons, and such acts now existing are avoided.

(b) The General Assembly may enact laws limiting the amount
of recovery for noneconomic damages and punitive damages in
medical malpractice actions.

(c) In no other cases shall the General Assembly limit the
amount to be recovered for injuries resulting in death or for
injuries to persons or property.

Section 2. (a) Upon the first passage by the General
Assembly of this proposed constitutional amendment, the
Secretary of the Commonwealth shall proceed immediately to
comply with the advertising requirements of section 1 of Article
XI of the Constitution of Pennsylvania and shall transmit the
required advertisements to two newspapers in every county in
which such newspapers are published in sufficient time after
passage of this proposed constitutional amendment.

(b) Upon the second passage by the General Assembly of this
proposed constitutional amendment, the Secretary of the
Commonwealth shall proceed immediately to comply with the
advertising requirements of section 1 of Article XI of the
Constitution of Pennsylvania and shall transmit the required
advertisements to two newspapers in every county in which such
newspapers are published in sufficient time after passage of
this proposed constitutional amendment. The Secretary of the
Commonwealth shall submit this proposed constitutional amendment
to the qualified electors of this Commonwealth at the first
primary, general or municipal election which meets the
requirements of and is in conformance with section 1 of Article
XI of the Constitution of Pennsylvania and which occurs at least
three months after the proposed constitutional amendment is
passed by the General Assembly.