

STATE	YEAR	CODE SECTION (Nature of Cap)	CONSTITUTIONALITY	AMOUNT OF CAP (Characteristics)
		<p>“No Caps” indicates that the state has not enacted legislation capping compensatory economic or non-economic damages specifically in malpractice actions or generally in personal injury tort actions</p> <p>M =malpractice only PI = all personal injury actions including malpractice</p>	<p>CASE FINDING C = constitutional U = unconstitutional</p>	<p>I - Inflation adjusted</p> <p>DAMAGES CAPPED: NE - non-economic only T - both non-economic and economic PCF - patient compensation fund</p>
ALABAMA	1987	(1) Ala. Code § 6-5-544 (M)		(1) \$400,000 (NE)
	1987	(2) Ala. Code § 6-5-547 (M)		(2) \$1 million cap on punitive damages in wrongful death actions) (I) (N.B. Alabama allows only punitive damages in wrongful death actions)
	1991		(1) U - <i>Moore v. Mobile Infirmary Ass'n</i> , 592 So. 2d 156 (2) U- <i>Ray v. Anesthesia Associates of Mobile</i> , P.C., 674 SO.2d 525 (Ala. 1995); U- <i>Smith v. Schulte</i> , 671 So.2d 1334 (Ala. 1995)	
ALASKA	1986	(1)Ak. St. § 09.17.010 (PI)	(1) C - <i>Evans v. State</i> , 56 P.3d 1046 (Alaska 2002)	(1)1986:\$500,000(NE) (unless victim suffers severe physical impairment)
	1997	Amendment to (1)		(1)Greater of \$400,000 (NE) or, \$8,000 per year of life expectancy (NE); In cases of severe disfigurement or physical impairment:greater of \$1 million or life expectancy X \$25,000 (NE).
	2005	(2) Ak. St. § 09.55.549 (M)		(2) \$250,000(NE) in most cases; \$400,000 (NE) in cases of wrongful death and cases of severe physical impairment >70% disabling
	2005	Amended (1) to exclude malpractice actions on or after 9/5/2005		
ARIZONA		No Caps		
ARKANSAS		No Caps		
CALIFORNIA	1975	Cal. Civ. Code § 3333.2 (M)		\$250,000 (NE)
	1985		C- <i>Fein v. Permanente</i> , 695 P.2d 665 (Cal. 1985)	
COLORADO	1986	(1) Col. Rev. Stat. Ann. §13-21-102.5 (PI)		(1) \$250,000 (NE)on claim of primary injured party or \$500,000 (NE) with justification shown by clear and convincing evidence and \$250,000 (NE) on derivative losses
	1988	(2) Col. Rev. Stat. Ann. § 13-64-302 (M)		(2)\$ 1 million (T) except award of past and future economic damages may exceed cap if it is unfair + \$250,000 (NE)
	1998	Amended (1) to add I		

	2003	Amended (1) to exclude malpractice cases		
	2003	Amended (2)		(2) \$300,000 (NE); cap includes losses due to "physical impairment or disfigurement"
	2004		(2) C- <i>Garhart ex rel. Tinsman v. Columbia/Healthone, L.L.C.</i> , 95 P.3d 571 (2004)	
CONNECTICUT		No Caps		
DELAWARE		No Caps		
D.C.		No Caps		
FLORIDA	1986	(1) Fla. St. Ann. § 768.80 (M)		(1) \$450,000 (NE)
	1987		(1) U - <i>Smith v. Department of Ins.</i> , 507 So. 2d 1080 (1987)	
	1988	(2) Fla. St. Ann. § 766.207 (M)		\$250,000 (NE) where claim arbitrated
	1988	(3) Fla. St. Ann. § 766.209 (M)		\$350,000 (NE) where D admits liability and offers to arbitrate damages but plaintiff refuses offer; No cap if defendant refuses plaintiff's offer to arbitrate or neither party demands arbitration
	1991	(1) Repealed		
	1993		(2) (3) C - <i>Univ. of Miami v. Echarte</i> , 618 So. 2d 189 (Fla.1993)	
	2003	(4) Fla. St. Ann. § 766.118 (M)		(4) (a) practitioners: \$500,000 (NE) and \$1 million (NE) in cases of PVS or death; (b) non-practitioners: \$750,000 (NE) and \$1.5 million (NE) in cases of PVS or death; (c) emergency services practitioners: \$150,000 (NE) per claim and \$300,000 (NE) per occurrence; (d) emergency services non-practitioners: \$750,000 (NE) per claim and \$1.5 million per occurrence (NE)
	2003	Amended (3)		(3) amended to provide that caps in § 766.118 apply if defendant refuses plaintiff's offer to arbitrate or neither party demands arbitration
GEORGIA	2005	Ga. Code Ann. § 51-13-1 (M)		In actions against practitioners: \$350,000 (NE); against single facility: \$350,000 (NE); In actions against multiple facilities: \$350,000 per facility, \$700,000 aggregate(NE); Aggregate cap of \$1.05 million (NE) for all Ds. Caps also apply in wrongful death actions
HAWAII	1986	Haw. Rev. St. Ann. § 663-8.7 (PI)		\$375,000 (NE)
IDAHO	1975	(1) Id. Code §§ 39-4204(M)		(1) In actions against individual providers : \$150,000 (T) per claimant and \$300,000 (T) per occurrence;
	1975	(2) Id. Code § 39- 4205 (M)		(2) In actions against acute care hospitals: greater of \$150,000 (T) per claim, and \$300,000 (T) per occurrence, or \$10,000 X number of beds

	1976		(1) and (2) <i>Jones v. State Bd. of Medicine</i> , 555 P2d 399 (ID. 1976) (court rejects some constitutional claims but remands for further proceedings on due process, equal protection and special legislation claims)	
	1981	(1) and (2) expire when sunset provision not extended		
	1987	(3) Id. Code § 6-1603 (PI)		(3) 1987 \$400,000 (NE)(I)
	2000		(3) C - <i>Kirkland ex rel. Kirkland v. Blain County Med. Ctr.</i> , 4 P.3d 1115 (Id. 2000)	
	2003	(3) Amended		(3)\$250,000 (NE) (I)
ILLINOIS	1975	(1) Ill. Rev. Stat. ch. 70, par. 101 (M).		(1) \$500, 000 (T)
	1976		(1) U - <i>Wright v. Cent. Du Page Hosp.Ass'n</i> , 347 N.E.2d 736 (Ill. 1976)	
	1995	(2) 735 Ill. Comp. Stat. Ann. § 5/2-1115.1 (PI)		(2) \$500,000 (NE) (I)
	1997		(2) U - <i>Best v. Taylor Mach. Works</i> , 689 N.E.2d 1057 (Ill. 1997)	
	2005	(3) 735 Ill. Comp. Stat. Ann. § 2-1706.5 (M)		\$500,000 (NE) for individuals and \$1,000,000 (NE) for institutions.
INDIANA	1975	Ind. Code Ann. § 34-18-14-3 (M)		\$500,000 (T) + PCF; provider liable for \$100,000, PCF liable for remainder up to total cap
	1980		C - <i>Johnson v. St. Vincent Hosp.</i> , 404 N.E.2d 585 (Ind. 1980).	
	1989	Amended		\$750,000 (T) for malpractice occurring > 12/31/1989 and < 7/1/1990
	1998	Amended		\$1.25 million (T) for malpractice occurring >6/30/1999; provider liability raised to \$250,000, PCF liable for remainder up to total cap
IOWA		No Caps		
KANSAS	1986	(1) Kan. St. Ann § 60-3407 (M)		(1) \$250,000 (NE) and \$1 million (T); "pinhole provision" allowed recovery up to \$3 million if \$1 million cap found to be inadequate for future health care
	1988		(1) U - <i>Kansas Malpractice Victims Coalition v. Bell</i> , 757 P.2d 251 (Kan. 1988)	
	1988	(2) Kan. St. Ann. § 60-19a02 (PI)		\$250,000 (NE)
	1990		(2) C - <i>Samsel v. Wheeler Transport Services, Inc.</i> , 789 P.2d 541, 558 (Kan. 1990)	
	1993	(1) expired		
KENTUCKY		No Caps		

LOUISIANA	1975	La. R.S. § 40:1299.42(B) (M)		\$500,000 (T) + PCF qualified provider liable for \$100,000 and PCF liable for remainder up to total cap
	1984	Amended		future medical expenses excluded from cap in claims filed after 9/1/1984
	1989		C - <i>Williams v. Kushner</i> ., 549 So. 2d 294 (La. 1989) (upheld cap of \$400,000 on liability of PCF but further holding that differential treatment of claims filed before 9/1/1984 violated equal protection; did not decide validity of \$100,000 cap on provider liability)	
	1992		C- <i>Butler v. Flint Goodrich Hospital of Dillard University</i> , 607 So.2d 517 (La. 1992) (upholding constitutionality of \$500,000 (T) cap)	
MAINE	1999	24-A Me. Rev. St. Ann. §4313 (M)		\$400,000 (NE) applies only to liability of insurance carrier offering a health plan for health care treatment decisions by its agents
MARYLAND	1986	(1) Md. Cts. & Jud. Proc. Code Ann. § 11-108 (PI)		(1) \$350,000 (NE) (eff. 7/1/1989)
	1989		(1) <i>C-Franklin v. Mazda Motor Corp.</i> , 704 F.Supp. 1325 (D.Md. 1989)	
	1992		(1) <i>C-Murphy v. Edmonds</i> , 601 A.2d 102 (Md. App. 1992)	
	1994	(1) Amended		\$500,000 (NE) and applied it to death cases; (I) increases \$15,000 on 10/1 each year beginning 1995
	2004	(1) Amended		n/a to malpractice actions arising on or > 1/1/2005
	2004	(2) Md. Code Ann. Cts. & Jud. Proc. § 3-2A-09 (M) (eff. 1/11/2005)		(2) \$650,000 (NE) applies to causes of action arising on or after 1/1/2005; (I) increases \$15,000 per year beginning 1/1/2009; in death actions with 2+ claimants 125% of cap
MASSACHUSETTS	1986	Mass. Ann. Laws ch. 231, § 60H (M)		\$500,000 (NE) with exceptions in cases of substantial or permanent loss or impairment of bodily function, substantial disfigurement, or other special circumstances warranting a finding that the imposition of such a loss would deprive plaintiff just compensation; n/a in death actions
MICHIGAN	1986	Mich. Comp. Laws Ann. § 600.1483 (M)		\$225,000(NE) (I) with exceptions including death, loss of limb or organ, loss of vital body function, etc.

	1993	Amended (eff. 4/1/94)		\$280,000 (NE) (I);separate cap of \$500,000 (NE) where substantial or permanent loss or impairment of bodily function, disfigurement, or special circumstances warrant
	2002		C - Zdrojewski v. Murphy, 657 N.W.2d 721 (Mich. App. 2002).	
MINNESOTA	1986	Mn. St. Ann. § 549.23 (PI)		\$400,000 limit on intangible damages, i.e., loss of consortium, emotional distress or embarrassment. Pain and suffering damages are excepted from the cap
	1990		(1) C- Schweich v. Ziegler, Inc ., 463 N.W.2d 722 (Minn. 1990)	
	1990	Repealed		
MISSISSIPPI	2002	Miss. Code Ann. § 11-1-60 (M) (eff.1/1/2003)		\$500,000 (NE)excepted damages for disfigurement and punitive damages from the cap; (I) damages cap to be increased to \$750,000 in in 2011 and \$1 million in 2017; n/a punitives
	2004	Amended		\$500,000 (NE);Rescinded (I);Removed disfigurement exception
MISSOURI	1985	Mo. Ann. Stat. § 538.210 (M)		\$350,000 (NE) (I) per defendant
	1992		C - Adams By and Through Adams v. Children's Mercy Hosp. , 832 S.W.2d 898 (Mo. 1992).	
	2005	Amended		\$350,000 (NE) irrespective of the number of defendants; dropped (I)
MONTANA	1995	Mont. Code Ann. § 25-9-411(M)		\$250,000 (NE)
NEBRASKA	1976	Neb. St. §44-2825 (1976) (M)	C- Prendergast v. Nelson , 256 N.W.2d 657 (1977)	\$500,000 (T) + PCF for injury or death; qualified provider liable for \$100,000 and PCF liable for remainder up to total cap
	1984			\$1 million (T)
	1986			qualified provider cap raised to \$200,000
	1992			\$1.25 million (T)
	2003		C- Gourley ex rel. Gourley v Neb. Methodist Health System, Inc ., 663 N.W.2d 43 (Neb. 2003)	
	2003			\$1.75 million (T)
	2005			qualified provider cap raised to \$500,000
NEVADA	2002	(1) Nev. Rev. Stat. § 41A.031 (M)		\$350,000 (NE) with exceptions
	2004	(1) Repealed in referendum		
	2004	(2) Nev. Rev. Stat. Ann § 41A. 035 (M) (adopted by referendum)		(2) \$350,000 (NE) without exceptions
NEW HAMPSHIRE	1977	(1) N.H. Rev. Stat. Ann § 507-C:7(II) (M)		\$250,000 (NE)
	1980		(1) U - Carson v. Maurer , 424 A.2d 825 (N.H. 1980)	
	1986	(2) N.H. Rev. Stat. Ann. § 508:4-d (PI)		\$875,000 (NE)

			(2) U- <i>Brannigan v. Usitalo</i> , 587 A.2d 1232 (N.H. 1991)	
NEW JERSEY		No Caps		
NEW MEXICO	1976	N.M. Stat. Ann. § 41-5-6 (M)		\$500,000 (T) + PCF; cap n/a to punitive damages and medical care; qualified provider liability limited to \$200,000 including medical costs and PCF pays remainder up to total cap
	1995	Amended		\$600,000 (T)
	2002		C- <i>Federal Express Corp. v. United States</i> , 228 F. Supp. 2d 1267 (D. N.M. 2002)	
NEW YORK		No Caps		
NORTH CAROLINA		No Caps		
NORTH DAKOTA	1977	(1) N.D. Cent. Code § 26-40.1-11 (M)		\$300,000 (T) + PCF; qualified provider liable for \$100,000 and PCF liable for remainder up to cap
	1978		(1) U - <i>Arneson v. Olson</i> , 270 N.W.2d 125 (N.D. 1978)	
	1983	(2) N.D. Cent. Code § 26.1-14-11 (M)		\$500,000 (T) per claim and \$1 million (T) aggregate for all claims in a single policy period if provider carries insurance at that level
	1995	(3) N.D. Cent. Code § 32-42-02 (M)		\$500,000 (NE)
OHIO	1975	(1) Ohio Rev. Code § 2307.43 (M)		(1) \$200,000 (NE)
	1991		(1) U - <i>Morris v. Savoy</i> , 576 N.E.2d 765 (Ohio 1991)	
	1996	(1) Repealed eff. 1/27/97		
	1996	(2) Ohio Rev. Code § 2323.54 (PI) eff. 1/27/97		Greater of \$250,000 or 3x economic loss to max of \$500,000 (NE); Greater of \$1 million (NE) or \$35,000 per year of life expectancy in specified cases of permanent injury
	1999		(2) U - <i>State ex rel. Ohio Academy of Trial Lawyers v. Sheward</i> , 715 N.E.2d 1062 (Ohio 1999)	
	2001	(2) Repealed		
	2002	(3) Ohio Rev. Code Ann. § 2323.43 (M)		Greater of \$250,000(NE) or 3x economic damages (NE)or \$500,000 (NE) per claim and \$1 million per occurrence (NE) in cases of permanent substantial deformity or injury that prevents plaintiff from independently caring for self; n/a in wrongful death actions
OKLAHOMA	2003	63 Ok. St. Ann. § 1-1708.1F (M)		\$300,000 (NE) for ER services and pregnancy and delivery cases; cap lifted when there is clear and convincing evidence of negligence; n/a wrongful death

	2004	63 Ok. St. Ann § 1-1708.1F-1 (M)		\$300,000 (NE) (I) where plaintiff rejects settlement and verdict <1 1/2x offer; cap n/a if nine jurors find (by clear and convincing evidence) the defendant acted negligently or (by preponderance of the evidence) willfully or wantonly; n/a wrongful death actions.
OREGON	1987	(1) Or. Rev. Stat. § 31.710(1) (PI)		\$500,000 (NE); n/a to punitives
	1999		(1) U - <i>Lakin v. Senco Prods., Inc.</i> , 987 P.2d 463 (Or. 1999)	
PENNSYLVANIA		No Caps		
RHODE ISLAND		No Caps		
SOUTH CAROLINA	2005	S. C. St. Ann. §15-32-220 (M)		\$350,000 (NE) for each provider or institution and aggregate cap of \$1.05 million (NE) per claimant for all providers and institutions; n/a to punitives
SOUTH DAKOTA	1976	(1) S.D.C.L. § 21-3-11 (M)		\$500,000 (NE)
	1986	amended		\$1 million (T)
	1996		U - In the <i>Matter of Certification of Questions of Law from U.S. Court of Appeals for Eighth Circuit, Pursuant to Provisions of SDCL 15-24A-1</i> , , 544 N.W.2d 183 (S.D. 1996) (holding 1986 version unconstitutional but reviving original 1976 version).	
	1997	(2) S.D.C.L. § 21-3-11.1 recognizing revival of original version of S.D.C.L. § 21-3-11		\$500,000 (NE)
TENNESSEE		No Caps		
TEXAS	1977	(1)Tx. Rev. Civ. Stat. art. 4590i, § 11.02 (M)		(1) \$500,000 (T) (I) except for medical expenses
	1977	(2) Art 4590i, § 11.03 (M)		(2) provided for cap of \$150,000 (NE) (I) if §11.02 declared unconstitutional
	1988		(1) U - <i>Lucas v. U.S.</i> , 757 S.W.2d 687 (1988) (as to common law claims)	
	1988		(2) U - <i>Lucas v. U.S.</i> , 757 S.W.2d 687 (1988) (as to common law claims)	
	1990		(1) C- <i>Rose v. Doctors Hospital</i> , 801 S.W.2d 841 (Tex. 1990) (as to wrongful death claims)	
	2003	(1) repealed		
	2003	(2) repealed		
	2003	(3) Tx. Civ. Prac. & Rem. § 74.301 (M)		(3) \$250,000 (NE) per claimant against one or more physicians and/or one or more health care providers other than institutions; \$250,000 (NE) per claimant against a single health care institution; in actions against >1 health care institution, \$250,000 (NE) per claimant for each health institution and \$500,000 (NE) aggregate per claimant for all health care institutions in the case.

	2003	(4) Tx. Civ. Prac. & Rem. § 74.302 (M)		(4) Alternative caps at the same amount as in §74.301 are to become effective if §74.301 is judicially invalidated. These alternative caps apply only to health care providers and institutions that carry medical malpractice insurance at specified levels or provide proof of financial responsibility at specified amounts.
	2003	(5) Tx. Civ. Prac. & Rem. § 74.303 (M)		(5) \$500,000 (T) (I) wrongful death and survival claims; includes punitive damages; medical expenses excepted
UTAH	1986	Utah Code Ann. § 78-14-7.1		\$250,000 (NE) n/a punitives
	2001	Amended		\$250,000 (NE) for actions arising before 7/1/2001; \$400,000 (NE) for actions arising on or after 7/1/2001 and before 7/1/2002; After 7/1/2002 \$400,000 (NE) (I)
	2004		C - <i>Judd v. Drezga</i> , 103 P.3d 135 (Utah 2004)	
VERMONT		No Caps		
VIRGINIA	1977	Va. Code § 8.01-581.15 (M)		\$750, 000 (T)
	1983	Amended		\$1 million (T)
	1989		C - <i>Boyd v. Bulala</i> , 877 F.2d 1191 (4 th Cir. 1989); C - <i>Etheridge v. Medical Center Hospitals</i> , 376 S.E.2d 525 (Va. 1989)	
	1999		C- <i>Pulliam v. Coastal Emergency Services, Inc.</i> , 509 S.E.2d 307 (1999)	
	1999	Amended		\$1.5 million (T) (I) for acts occurring on or after 8/1/99;\$50,000 annual increase from 2000 through 2006; \$75,000 increases in 2007 2008; Prior to 8/1/99 cap in effect at time
WASHINGTON	1986	Wash. Rev. Code § 4.56.250 (M)		.43 x average annual wage x life expectancy of plaintiff (min. of 15 years) (NE)
	1989		U - <i>Sofie v. Fireboard Corp.</i> , 771 P.2d 711 (Wash. 1989).	
WEST VIRGINIA	1986	(1) W. Va. Code § 55-7B-8 (1986)		(1) \$ 1 million (NE)
	1991		C - <i>Robinson v. Charleston Area Medical Center, Inc.</i> , 414 S.E.2d 877 (W.V. 1991)	
	2001		C - <i>Verba v. Ghaphery</i> , 552 S.E.2d 406 (W.V. 2001)	
	2003	(1) Amended		(1)\$250,000 (NE) (I) in most actions and \$500,000 (NE) (I) in wrongful death and specified cases involving permanent injuries

	2003	(2) W. Va. Code § 55-7B-9c (M)		(2) \$500,000 (T) in injury or death cases resulting from emergency services; cap n/a if the action clearly violated written protocols adopted by the office of emergency services or the action was willful, wanton, or in reckless disregard of risk to the patient.
WISCONSIN	1986	(1) Wis. Stat. § 893.55(4) (d) (M)		\$1 million (NE) (I)
	1986	(2) Wis. Stat. § 655.017 (M)		PCF pays damages in excess of required levels of primary coverage, but PCF liability is limited by the caps set forth in (1)
	1991	(1) expired		
	1991	(2) expired		
	1995	(3) Wis. Stat. § 893.55(4) (f) (M)		(1) \$350,000 (NE) (I); n/a wrongful death cases
	1995	(2) recreated		PCF pays damages in excess of required levels of primary coverage, but PCF liability is limited by the caps set forth in (3)
	2005		(3) U - <i>Ferdon ex rel. Petrucelli v. Wisconsin Patients Compensation Fund</i> , 701 N.W.2d 440 (Wis. 2005)	
			(2) U - <i>Ferdon ex rel. Petrucelli v. Wisconsin Patients Compensation Fund</i> , 701 N.W.2d 440 (Wis. 2005) (remanded for determination on whether PCF is required to pay amount in excess of cap under Wis. Stat. § 655.017)	
	2005	(4) Wis. Stat. § 893.55(4)(d)1(M) Amended and renumbered Wis. Stat. § 893.55(4) (d) eff. 4/1/2006		(4) \$750,000 (NE)
WYOMING		No Caps		.