

FIFTY-SEVENTH LEGISLATURE  
SECOND SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 16, 2026

Mr. Chair:

I propose to the SENATE JUDICIARY COMMITTEE the following amendments to

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 99

1. On page 15, line 20, strike "A" and insert in lieu thereof "Except as provided in Subsection F of this section, a".
2. On page 16, line 10, strike "Subsection B" and insert in lieu thereof "Subsections B and F".
3. On page 16, line 20, after "amendment", strike the remainder of the line and strike lines 21 through 25 and on page 17, strike line 1 through the period and insert in lieu thereof:  
  
"as of right to the pleadings after substantial completion of discovery. Plaintiffs are entitled to discovery of issues relevant to a claim of punitive damages.

F. There shall be no cap on a punitive damage award when the actions of the health care provider that caused the patient's harm:

(1) were performed under the influence of drugs or alcohol; or

(2) involved criminal activity, including fraud and sexual assault.

G. The first five million dollars (\$5,000,000) of an independent provider's personal assets shall not be used to satisfy a punitive damage award.

H. An award of punitive damages against a physician who is employed by, an independent contractor of or credentialed and privileged by a hospital or outpatient health care facility shall be paid by that hospital or outpatient health care facility.".

Respectfully submitted,

---