

## Malpractice Damage Caps by State

State	Malpractice Damage Cap	State Code
<b>Alabama</b>	Ruled unconstitutional by state courts ( <i>Moore v. Mobile Infirmary Association</i> , 1991).	
<b>Alaska</b>	\$250,000 for noneconomic damages, bumped to \$400,000 for cases that involve severe impairment higher than 70% and for wrongful death.	<a href="#">AS 09.55.549</a>
<b>Arizona</b>	Constitutional provision prohibiting caps.	
<b>Arkansas</b>	Constitutional provision prohibiting caps (\$500,000 cap put on the 2018 ballot).	
<b>California</b>	Per California Assembly Bill 35 effective 1/1/23, the caps are set at \$350,000 for malpractice-related injuries that do not involve wrongful death, and \$500,000 for medical malpractice that resulted in wrongful death. Beginning in 2024, the dollar amounts will be bumped up each year by \$40,000 for personal injury and \$50,000 for wrongful death, until 2034 when the caps reach \$750,000 and \$1 million, respectively. At that point the amount will be adjusted annually by two percent to account for inflation. The previous \$250,000 cap will still apply to all cases filed before 1/1/23.	<a href="#">AB 35</a>
<b>Colorado</b>	\$300,000 for noneconomic damages and \$1 million for total damages.	<a href="#">Colorado Revised Statutes section 13-64-302</a>
<b>Connecticut</b>	No Cap	
<b>D.C.</b>	No Cap	
<b>Delaware</b>	No Cap	
<b>Florida</b>	Cap on non-economic damages found unconstitutional (was \$500,000 or \$1,000,000 for catastrophic injuries enacted in 2003, overturned in <i>North Broward Hospital District v Kalitan</i> , 2017). No cap on economic damages.	<a href="#">Florida XLV.766.118</a>
<b>Georgia</b>	Cap was found unconstitutional (previously \$350,000 per defendant, \$1,050,000 max per claim. ruled unconstitutional in <i>Atlanta Oculoplastic Surgery, P.C. v. Nestlehutt</i> , 2010).	

<b>Hawaii</b>	Non-economic cap is \$375,000 with limited exceptions. No cap on economic damages.	<a href="#">Hawaii Revised Statutes 663-8.7</a>
<b>Idaho</b>	Non-economic cap is \$250,000, adjusted annually for inflation. No cap on economic damages.	<a href="#">Idaho Code section 6-1603</a>
<b>Illinois</b>	Cap found unconstitutional (previously \$500,000 per doctor/healthcare provider, and \$1,000,000 per hospital or other healthcare facility, overturned in <i>LeBron vs. Gottlieb Memorial Hospital</i> , 2010).	
<b>Indiana</b>	\$1,250,000 total if it occurred after 1999. Providers liable for a maximum of \$250,000 with the rest to be paid through state's Patient Compensation Fund.	<a href="#">Indiana Code section 34-18-14-3</a>
<b>Iowa</b>	On 2/16/23, Governor Reynolds signed into law legislation that creates a two-tiered cap on damages by retaining the \$250,000 soft cap and adding a hard cap at \$1 million for providers and \$2 million for hospitals. The legislation includes an inflationary adjuster at 2.1% beginning in 2028. The bill took effect immediately upon the Governor's signature.	<a href="#">Iowa House File 161</a>
<b>Kansas</b>	\$250,000 cap for causes of action accruing from July 1, 1988 to July 1, 2014; \$300,000 cap for causes of action accruing from July 1, 2014 to July 1, 2018; \$325,000 cap for causes of action accruing from July 1, 2018 to July 1, 2022; \$350,000 cap for causes of action accruing on or after July 1, 2022.	<a href="#">Kansas Statute 60-19a02</a>
<b>Kentucky</b>	Constitutional provision prohibiting caps.	
<b>Louisiana</b>	\$500,000 total plus the cost of future medical expenses. Healthcare providers liable for only \$100,000 with the rest paid by compensation fund.	<a href="#">Louisiana Revised Statutes section 40:1231.2</a>
<b>Maine</b>	As most recently amended, the Maine Death Act allows for the recovery of up to \$750,000 to the statutory beneficiaries for "loss of comfort, society and companionship of the deceased, including any damages for emotional distress arising from the same facts as those constituting the underlying claim." In addition,	<a href="#">Maine Revised Statutes Title 18-C Section 2-807</a>

	the law allows for recovery of economic damages in an unlimited amount, as well as claims for punitive damages capped at \$250,000.	
<b>Maryland</b>	Starting in 2005 for malpractice claims: \$650,000 increasing by \$15,000 each year beginning in 2009, 125% for wrongful death claims. No cap on economic damages.	<a href="#">Maryland Courts and Judicial Proceedings Section 3-2A-09</a>
<b>Massachusetts</b>	Massachusetts caps noneconomic damages at \$500,000 in medical malpractice cases, but this does not apply in cases of disfigurement or permanent loss of bodily function. No cap on economic damages.	<a href="#">Massachusetts Part III Title II Chapter 231 Section 60H</a>
<b>Michigan</b>	Michigan's caps on medical malpractice damages are reviewed at the end of each calendar year and adjusted according to the consumer price index. On 1/31/23, the upper-cap for non-economic damages was increased to \$960,500 and the lower cap for non-economic damages was increased to \$537,900.	<a href="#">Michigan Act 236 of 1961 Section 600.1483</a>
<b>Minnesota</b>	No Cap	
<b>Mississippi</b>	\$500,000 cap for non-economic damages. No cap on economic damages.	<a href="#">Mississippi Code section 11-1-60</a>
<b>Missouri</b>	\$450,098 increased to \$787,671 for cases of catastrophic personal injury or wrongful death (found constitutional in 2021 in <i>Velazquez v. University Physician Associates</i> )	<a href="#">Missouri Revised Statutes section 538.210</a>
<b>Montana</b>	\$250,000 cap for non-economic damages. No cap on economic damages.	<a href="#">Montana Code Annotated section 25-9-411</a>
<b>Nebraska</b>	\$1,250,000 for malpractice occurring between 1993 and 2003, \$1,750,000 for malpractice occurring between 2004 and 2014, \$2,250,000 for malpractice occurring after 2014.	<a href="#">Nebraska Revised Statutes section 44-2825</a>
<b>Nevada</b>	\$350,000 cap for non-economic damages. No cap on economic damages.	<a href="#">Nevada Revised Statutes section 41A.035</a>
<b>New Hampshire</b>	Cap found unconstitutional (Court struck down a bill to impose a \$875,000 cap on all personal injury non-economic damages)	
<b>New Jersey</b>	Only punitive damages capped	

<b>New Mexico</b>	The overall cap on all damages is \$600,000 but does not apply to compensation for past or future medical care. \$200,000 maximum provider liability (affirmed by <i>Siebert v. Okun in 2021</i> )	<a href="#">New Mexico Statutes 41-5-1</a>
<b>New York</b>	No Cap	
<b>North Carolina</b>	\$656,730 cap for non-economic damages as of 1/1/23 and adjusted for inflation since in 2014. No cap on economic damages.	<a href="#">North Carolina Section 90 21.19</a>
<b>North Dakota</b>	\$500,000 cap for non-economic damages. However, any award above \$250,000 may be reviewed by judge. Cap was found unconstitutional in 2018, but reinstated in 2019 ( <i>Condon v. St. Alexius, 2019</i> )	<a href="#">North Dakota Chapter 32-42</a>
<b>Ohio</b>	Non-economic: \$250,000 or three times the plaintiff's economic damages — with an overall maximum of \$350,000 per plaintiff or \$500,000 for each case (if there is more than one plaintiff). No cap on economic damages or wrongful death suits.	<a href="#">Ohio Revised Code section 2323.43.</a>
<b>Oklahoma</b>	\$350,000 cap for non-economic damages for OB/ER cases or if there's an offer of judgment. No cap on economic damages.	<a href="#">Oklahoma Statutes section 23-61.2.</a>
<b>Oregon</b>	Cap found unconstitutional (\$500,000 cap eliminated in <i>Vasquez v. Double Press Mfg, 2017; Busch v. McInnis Waste, 2020</i> ).	
<b>Pennsylvania</b>	Constitutional provision prohibiting caps.	
<b>Rhode Island</b>	No Cap	
<b>South Carolina</b>	Non-economic damages: \$512,773 or facility against each provider adjusted annually for inflation. Total claim with multiple providers capped at \$1,050,000. No cap on economic damages	<a href="#">South Carolina Code of Laws Title 15, Chapter 32</a>
<b>South Dakota</b>	\$500,000 cap for non-economic damages. No cap on economic damages.	<a href="#">South Dakota Code of Laws section 21-3-11</a>
<b>Tennessee</b>	Non-economic damages are capped at \$750,000 and increased to \$1 million in cases of catastrophic injury.	<a href="#">Tennessee Code Title 29, 39-102</a>

<b>Texas</b>	\$250,000 non-economic cap or \$500,000 if against more than one party. No cap on economic damages	<a href="#">Texas Civil Practice and Remedies Code section 74.301</a>
<b>Utah</b>	\$450,000 non-economic damage cap.	<a href="#">Utah Code section 78B-3-410</a>
<b>Vermont</b>	No Cap	
<b>Virginia</b>	\$2,300,000 total damages until July 2018, set to rise \$50,000 each year until it tops out at \$3,000,000 in 2031.	<a href="#">Virginia Code section 8.01.581.15</a>
<b>Washington</b>	Cap found unconstitutional ( <i>Sofie v. Fireboard Corp</i> , 1989).	
<b>West Virginia</b>	Non-economic: \$250,000, adjusted for inflation annually with an absolute maximum of \$375,000. In catastrophic cases, \$500,000 adjusted annually up to a max of \$750,000. No cap on economic damages.	<a href="#">West Virginia Code section 55-7B-8</a>
<b>Wisconsin</b>	Cap found unconstitutional in <i>Mayo v. Wisconsin</i> , 2017. However, cap was reinstated in 2018 by Wisconsin Supreme Court. Non-economic: \$250,000, adjusted for inflation annually with an absolute maximum of \$375,000. In catastrophic cases, \$500,000 adjusted annually up to a max of \$750,000. No cap on economic damages	<a href="#">Wisconsin Statutes section 893.55</a>
<b>Wyoming</b>	Constitutional provision prohibiting caps.	