GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H **1**

HOUSE BILL 962

Short Title: Med. Malpractice Punitive Damages. (Public)

Sponsors: Representatives Watkins; Miller and R. Thompson.

Referred to: Judiciary.

March 30, 1989

A BILL TO BE ENTITLED

AN ACT TO REGULATE THE AWARD OF PUNITIVE DAMAGES IN MEDICAL MALPRACTICE ACTIONS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-21.15. Punitive damages.**

Punitive damages may be awarded in a medical malpractice action only when the conduct of the defendant is shown by clear and convincing evidence (i) to be willful or wanton infliction of harm or injury on the plaintiff, or (ii) to be intentional."

Sec. 2. This act shall become effective August 1, 1989, and shall apply to actions arising on or after that date.