

Senate Bill 190

By: Senators Cowser of the 46th, Watson of the 1st, Gooch of the 51st, Kennedy of the 18th, Harbin of the 16th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 51 of the Official Code of Georgia Annotated, relating to torts, so as to
2 provide for the recovery and admissibility of special damages for medical and health care
3 expenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended by adding
7 a new Code section to read as follows:

8 "51-12-1.1.

9 (a) In any civil action to recover damages resulting from injury or death to a person, the
10 special damages for medical and health care expenses that are recoverable shall be limited
11 to those expenses established by the amounts actually:

12 (1) Paid by or on behalf of the claimant to health care providers for medically necessary
13 care, treatment, or services; and

14 (2) Necessary to satisfy incurred but unpaid charges for medically necessary care,
15 treatment, or services due to the health care provider by the claimant or a third party on
16 behalf of the claimant.

17 (b) Only the amounts that are recoverable under subsection (a) of this Code section shall
18 be admissible in an action to recover special damages for medical and health care expenses
19 from injury or death to a person.

20 (c) Nothing in this Code section shall be construed to limit the right of a defendant in any
21 action to recover damages resulting from death or injury to a person to present evidence
22 or testimony, or both, challenging the medical and health care expenses, whether incurred
23 or projected future expenses, or the necessity of any treatment."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.