S 2207

Pregnancy and Trauma Care Access Protection Act of 2004

Congress: 108 (2003–2005, Ended)
Chamber: Senate
Policy Area: Health
Introduced: Mar 12, 2004
Current Status: Motion to proceed to consideration of measure withdrawn in Senate.
Latest Action: Motion to proceed to consideration of measure withdrawn in Senate. (Apr 7, 2004)
Official Text: https://www.congress.gov/bill/108th-congress/senate-bill/2207

Sponsor

Name: Sen. Gregg, Judd [R-NH]
Party: Republican • **State:** NH • **Chamber:** Senate

Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Ensign, John [R-NV]	R · NV		Mar 12, 2004
Sen. Cornyn, John [R-TX]	R · TX		Apr 6, 2004
Sen. Fitzgerald, Peter [R-IL]	R · IL		Apr 6, 2004
Sen. Hatch, Orrin G. [R-UT]	R · UT		Apr 6, 2004
Sen. Hagel, Chuck [R-NE]	R · NE		Apr 7, 2004
Sen. Voinovich, George V. [R-OH]	R · OH		Apr 7, 2004
Sen. Warner, John [R-VA]	R · VA		Apr 7, 2004

Committee Activity

No committee referrals or activity are recorded for this bill.

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
108 S 2061	Related bill	**Feb 24, 2004:** Motion to proceed to consideration of measure withdrawn in Senate.

Summary (as of Mar 12, 2004)

Pregnancy and Trauma Care Access Protection Act of 2004 - Sets forth provisions regulating lawsuits for health care liability claims related to the provision of obstetrical, gynecological, emergency, or trauma care goods or services.

Sets a statute of limitations of three years after the date of manifestation of injury or one year after the claimant discovers the injury, with certain exceptions.

Allows the recovery of unlimited economic damages. Limits noneconomic damages to $250,000. Makes each party liable only for the amount of damages directly proportional to such party's percentage of responsibility.

Allows the court to restrict the payment of attorney contingency fees. Limits the fees to a percentage based on the amount awarded.

Prescribes qualifications for expert witnesses.

Permits the court to reduce damages received by the amount of collateral source benefits to which a claimant is entitled.

Authorizes the award of punitive damages only where: (1) it is proven that a person acted with malicious intent to injure the claimant or deliberately failed to avoid unnecessary injury the claimant was substantially certain to suffer; and (2) compensatory damages are awarded. Limits punitive damages to the greater of two times the amount of economic damages or $250,000.

Limits the liability of manufacturers, distributors, suppliers, marketers, promoters, sellers, and providers of obstetrical, gynecological, emergency, or trauma care services products that comply with Food and Drug Administration standards.

Provides for periodic payments of future damage awards.

Actions Timeline

- **Apr 7, 2004:** Motion to proceed to measure considered in Senate. (consideration: CR S3877-3880, S3894)
- **Apr 7, 2004:** Cloture on the motion to proceed not invoked in Senate by Yea-Nay Vote. 49 - 48. Record Vote Number: 66. (consideration: CR S3894; text: CR S3894)
- **Apr 7, 2004:** Motion to proceed to consideration of measure withdrawn in Senate.
- **Apr 6, 2004:** Motion to proceed to measure considered in Senate. (consideration: CR S3742-3784)
- **Apr 2, 2004:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S3599-3600; text: CR S3599)
- **Apr 2, 2004:** Cloture motion on the motion to proceed presented in Senate. (consideration: CR S3599; text: CR S3599)
- **Apr 2, 2004:** Motion to proceed to consideration of measure withdrawn in Senate.
- **Mar 22, 2004:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 462.
- **Mar 12, 2004:** Introduced in Senate
- **Mar 12, 2004:** Read the first time. Placed on Senate Legislative Calendar under Read the First Time.

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