## SUBSTITUTE FOR

## HOUSE BILL NO. 5311

(As amended July 6, 2004)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961,"

(MCL 600.101 to 600.9947) by adding section 2155.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2155. (1) A statement, writing, or action that
- 2 expresses sympathy, compassion, commiseration, or a general sense
- 3 of benevolence relating to the pain, suffering, or death of an
- 4 individual and that is made to that individual or to the
- 5 individual's family is inadmissible as evidence of an admission
- 6 of liability in an action for medical malpractice.
- 7 (2) This section does not apply to a statement of fault,
- 8 negligence, or culpable conduct [
- 9 that is part of or made in addition to a statement, writing, or
- 10 action described in subsection (1).
- 11 (3) As used in this section, "family" means spouse, parent,

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- 1 grandparent, stepmother, stepfather, child, adopted child,
- 2 grandchild, brother, sister, half brother, half sister,
- 3 father-in-law, or mother-in-law.

[Enacting section 1. This amendatory act applies only to civil actions filed on or after the effective date of this amendatory act.]