

ONE HUNDRED NINTH LEGISLATURE - SECOND SESSION - 2026
COMMITTEE STATEMENT
LB1100

Hearing Date: Friday January 30, 2026
Committee On: Judiciary
Introducer: Sorrentino
One Liner: Modernize language in a civil procedure statute

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

| | | |
|----------------------------|---|----------------------------------------------------|
| Aye: | 5 | Senators Bosn, Hallstrom, Holdcroft, Storer, Storm |
| Nay: | 3 | Senators DeBoer, McKinney, Rountree |
| Absent: | | |
| Present Not Voting: | | |

Testimony:

| | |
|-----------------------------------------------|-------------------------------------------|
| Proponents: Senator Tony Sorrentino | Representing: Opening Presenter |
| Opponents: | Representing: |
| Neutral: | Representing: |

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 1100 makes a technical revision to § 25-101 by removing the word “hereafter” from the provision stating that Nebraska has a single form of civil action.

Explanation of amendments:

The committee amendment (AM 2688) strikes LB 1100 entirely and adds the provisions of LB 205, as amended, and LB 831, as amended.

LB 205: Sections 1 to 6 of AM 2688

LB 205 was introduced by Senator Bosn and creates new sections governing the admissibility of evidence to prove medical damages in personal injury and wrongful death actions. The bill also caps non-economic damages at \$1 million for personal injury or death actions involving a commercial motor vehicle. AM 2688 incorporates AM 2412 to LB 205. The changes to LB 205 are explained in the section-by-section summary.

LB 205 was amended into LB 1100 on a 5-3 vote of the committee:

Yes: 5 Bosn, Hallstrom, Holdcroft, Storer, Storm; No: 3 DeBoer, McKinney, Rountree;



LB 205 had a public hearing on February 5, 2025 with the following testimony:

Testifiers on LB205:

Proponents:

Senator Carolyn Bosn , Opening Presenter

Kent Grisham, Nebraska Trucking Association; Nebraska Petroleum Marketers & Convenience Store Association

Matt Quandt, Nebraska Defense Counsel Association

Robert Bell, Nebraska Insurance Federation

Opponents:

Jennifer Turco Meyer, Nebraska Association of Trial Attorneys

Zachariah Harger, Self

William Rasmussen, Self

Tracie Rasmussen, Self

Dariana Burr, Self

Maren Chaloupka, Self

Alex McKiernan, Self

Tressa Nelson, Self

Roger Grunke, Self

Ace Schlund, Self

Mark Richardson, Self

Elizabeth Govaerts, Nebraska Association of Trial Attorneys

Robert Keith, Self

Pete Wegman, Self

Tim Hruza, Nebraska State Bar Association

Neutral: None

LB 831: Sections 7 to 10 of AM 2688

LB 831 was introduced by Senator Hallstrom and creates an exclusive statutory cause of action for personal injury claims arising from exposure to ethylene oxide. The bill imposes a heightened burden of proof for claims against health care businesses. A plaintiff must prove, by clear and convincing evidence, that the business was not in substantial compliance with applicable federal laws and regulations, was not making reasonable efforts to maintain compliance, and engaged in gross negligence or willful misconduct that directly and proximately caused the injury. The bill also requires heightened pleading standards, including particularized allegations of gross negligence or willful misconduct, a detailed statement of damages with supporting facts, and, where applicable, facts supporting a strong inference of the required state of mind. AM 2688 incorporates AM 2698 to LB 831, which removes the retroactive applicability of the bill.

LB 831 was amended into LB 1100 on a 5-3 vote of the committee:

Yes: 5 Bosn, Hallstrom, Holdcroft, Storer, Storm; No: 3 DeBoer, McKinney, Rountree;

LB 831 had a public hearing on January 22, 2026 with the following testimony:

Proponents:

Senator Bob Hallstrom , Opening Presenter

Dawson Brunswick, Columbus Area Chamber of Commerce; Nebraska Chamber of Commerce & Industry



Opponents:

Elizabeth Govaerts, Nebraska Association of Trial Attorneys

Neutral: None

Section-by-Section Summary

Section 1: Defines terms for sections 1 to 5 of the act. These definitions establish the framework for the evidentiary and disclosure provisions governing medical damages. As amended, this section defines “claimant” as a person seeking damages in a personal injury or wrongful death action. The bill, as introduced, defines “claimant” as a person seeking damages for medical expenses in a personal injury or wrongful death action. (LB 205 as amended)

Section 2: Sets admissibility requirements for evidence offered to prove damages for past and future medical treatment or services in personal injury and wrongful death actions.

Past medical expenses: If charges have been satisfied, evidence is limited to the amount actually paid, regardless of the source of payment. If charges are unpaid, evidence is limited to the following: If the claimant has non-Medicare/Medicaid coverage, evidence is limited to the amount the coverage is obligated to pay plus the claimant’s share. If the claimant has coverage but it is not used (including treatment under a letter of protection), evidence is limited to what the coverage would have paid plus the claimant’s share. If the claimant does not have coverage (or only Medicare/Medicaid), evidence is limited to 150 percent of the Medicare reimbursement rate or, if none exists, 170 percent of the applicable Medicaid rate. If a letter of protection is sold to a third party, evidence is limited to the amount paid or agreed to be paid by that third party. As introduced, the bill limited evidence to 120 percent of the Medicare rate.

Future medical expenses: If a claimant has or is eligible for coverage (other than Medicare/Medicaid), evidence is limited to the amounts that would be paid under applicable health care coverage plus the claimant’s share. If the claimant has no applicable coverage, evidence is limited to 150 percent of the Medicare reimbursement rate or 170 percent of the Medicaid rate in effect at trial. These calculations for future medical expenses apply to evidence of reasonable future amounts to be billed for medically necessary treatment or services. As introduced, the bill limited evidence to 120 percent of the Medicare rate.

This section also clarifies that no party has an affirmative duty to seek reductions not contractually available, shields insurer-provider contracts from discovery and admissibility, and limits third-party discovery seeking expert testimony from providers and insurers regarding these amounts. (LB 205 as amended)

Section 3: A new section which provides that evidence of past medical expenses actually paid may be offered in a personal injury or wrongful death action by any party as relevant to both economic and noneconomic damages. (LB 205 as amended)

Section 4: As a condition precedent to recovering medical expenses rendered under a letter of protection, a claimant must disclose: The letter of protection; itemized and coded billing information (CPT, HCPCS, ICD, DRG, APC/EAPG, as applicable); information regarding any sale of receivables to a factoring company, including purchase price; whether the claimant had health care coverage at the time of treatment and, if so, the identity of such coverage; and referral information, including attorney referrals. If the claimant’s attorney made the referral, that referral and related financial relationships between the attorney and the health care provider are admissible notwithstanding



attorney-client privilege and may be used to show bias. (LB 205)

Section 5: Caps recoverable medical damages at amounts consistent with Section 2 of the act and prohibits recovery in excess of admitted evidence. Recovery may not exceed the sum of amounts actually paid, the amounts necessary to satisfy outstanding charges as calculated under Section 2 of the act, and the amounts necessary for future treatment as calculated under Section 2 of the act. (LB 205 as amended)

Section 6: Limits noneconomic damages per plaintiff in personal injury or death actions involving commercial motor vehicles requiring a CDL to \$5 million for actions filed before January 1, 2029. Beginning January 1, 2029, and every two years thereafter, the State Court Administrator must adjust the cap based on cumulative changes in the Midwest Consumer Price Index. The cap applies regardless of the number of defendants or derivative claims. The jury (or court in a bench trial) first determines noneconomic damages without regard to the cap. The court then reduces any award exceeding the statutory limit. (LB 831)

Section 7: Defines terms for purposes of sections 7 to 10 of the act, including “conduct,” “ethylene oxide exposure action,” and “health care business.” The definition of ethylene oxide exposure action expressly excludes claims covered by the Nebraska Workers’ Compensation Act. (LB 831)

Section 8: Provides that a health care business is not liable in an ethylene oxide exposure action unless the plaintiff proves, by clear and convincing evidence, that the business was not in substantial compliance with applicable federal laws and regulations, the business was not making reasonable efforts to maintain such compliance, the conduct constituted gross negligence or willful misconduct, and the conduct directly and proximately caused the plaintiff’s exposure and resulting personal injury. (LB 831)

Section 9: Imposes heightened pleading requirements in ethylene oxide exposure actions. Plaintiffs must: Plead each element of the claim with particularity; identify specific acts or omissions constituting gross negligence or willful misconduct; file a detailed statement of damages and the factual basis for calculating those damages; and, where a claim depends on a particular state of mind, allege facts giving rise to a strong inference that the defendant acted with that state of mind. (LB 831)

Section 10: Provides that sections 7 to 10 of the act constitute the exclusive cause of action for ethylene oxide exposure claims and that plaintiffs may prevail only under those statutory requirements. (LB 831)

Section 11: Operative date of July 1, 2026.

Section 12: Emergency clause.

Carolyn Bosn, Chairperson

