



General Assembly

February Session, 2026

Raised Bill No. 5430

LCO No. 2298



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING CLAIMS AGAINST THE STATE FOR MEDICAL MALPRACTICE AND INJURIES OCCURRING ON LANDS AVAILABLE TO THE PUBLIC FOR RECREATIONAL PURPOSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-160 of the 2026 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) Whenever the Claims Commissioner deems it just and equitable,
5 the Claims Commissioner, the Deputy Claims Commissioner or a
6 special deputy may authorize suit against the state on any claim which,
7 in the opinion of the Claims Commissioner, presents an issue of law or
8 fact under which the state, were it a private person, could be liable. The
9 Claims Commissioner, the Deputy Claims Commissioner or a special
10 deputy may grant permission to sue for a claim that exclusively seeks
11 permission to sue the state based solely on the notice of claim or any
12 supporting evidence submitted pursuant to section 4-147, or both,
13 without holding a hearing, upon the filing by the attorney or pro se
14 claimant of (1) a motion for approval to assert a claim without a hearing,

15 requesting a ruling based solely on the notice of the claim and any
16 supporting evidence submitted under the provisions of this chapter,
17 and (2) an affidavit attesting to the validity of a claim. Such affidavit
18 shall be signed, notarized and filed by both the attorney and claimant or
19 a pro se claimant, attesting to the following, in the following form: "I
20 have made a reasonable inquiry, as permitted by the circumstances,
21 which has given rise to a good faith belief that grounds exist for a suit
22 against the state. Such inquiry includes (provide a brief description of
23 the inquiry made)". The claimant shall serve any motion for approval
24 and affidavit on the office of the Attorney General and any state agency
25 that is a subject of the claim. The state may file an opposition to the
26 motion for approval and the affidavit not later than thirty days after
27 such service of the motion and affidavit. Such opposition shall be
28 limited to opposition of the claim based solely on jurisdictional grounds,
29 including pursuant to section 4-142, or subsection (a) of section 4-148, or
30 prosecutorial, judicial, quasi-judicial or legislative immunity.

31 (b) Any claim exclusively requesting permission to sue the state that
32 was filed more than three years prior to July 1, 2023, that has not been
33 disposed of by the Office of the Claims Commissioner, shall be referred
34 to a special deputy for proceedings in accordance with subsection (d) of
35 this section, unless the claimant expressly states the desire to have such
36 claim remain before the Claims Commissioner.

37 (c) If a claim exclusively requesting permission to sue the state
38 remains pending with the Office of the Claims Commissioner eighteen
39 months after the date on which such claim was filed with the office, a
40 claimant may file a notice indicating the passage of such eighteen
41 months with the Attorney General, the Governor and the joint standing
42 committee of the General Assembly having cognizance of matters
43 relating to the judiciary. The Claims Commissioner, Deputy Claims
44 Commissioner or a special deputy shall make all reasonable efforts to
45 render a decision on such claim not later than ninety days after the filing
46 of such notice, and the Office of the Claims Commissioner shall retain
47 jurisdiction over the disposition of such claim beyond the ninety-day

48 period until the date for the end of the next regular session of the
49 General Assembly. If the Claims Commissioner, Deputy Claims
50 Commissioner or a special deputy does not issue a decision during such
51 ninety-day period, the claim shall be referred to a special deputy for
52 proceedings in accordance with subsection (d) of this section. The
53 provisions of this subsection shall not apply to a claim in which the
54 parties have not objected to an extension of time for the Office of the
55 Claims Commissioner to dispose of the claim.

56 (d) (1) If a claim is referred to a special deputy under subsection (b)
57 or (c) of this section, such special deputy shall review the notice of claim,
58 the state's notice of opposition and any discovery or other supporting
59 evidence, and may, if the special deputy deems it necessary, hold a
60 conference with the parties using telephonic or video conferencing
61 technology. Consideration of the state's opposition to such claims shall
62 be limited to jurisdictional grounds or prosecutorial, judicial, quasi-
63 judicial or legislative immunity. The special deputy shall make a
64 determination to deny or dismiss a claim or authorize a claimant to sue
65 the state, not later than ninety days after the claim is referred to such
66 special deputy. A special deputy shall authorize suit against the state if
67 the claim, in the opinion of the special deputy, presents an issue of law
68 or fact under which the state, were it a private person, could be liable. If
69 the resolution of the state's opposition to the claim is based on a dispute
70 of a material fact, the special deputy shall grant permission to sue the
71 state and preserve the state's right to pursue such defense in court.

72 (2) A special deputy shall make a finding of fact for each claim and
73 file such finding with the order or authorization disposing of the claim
74 with the Claims Commissioner. The special deputy shall provide a copy
75 of such finding and order or authorization to the claimant and to the
76 representative for the state, which representative may in appropriate
77 cases be the Attorney General.

78 (e) A claimant exclusively seeking permission to sue the state shall be
79 deemed to have been granted permission to sue the state by the Claims

80 Commissioner if the Attorney General files with the Office of the Claims
81 Commissioner a signed stipulation authorizing permission to sue the
82 state for a particular claim of the claimant.

83 (f) [In any claim alleging malpractice against the state, a state hospital
84 or against a physician, surgeon, dentist, podiatrist, chiropractor or other
85 licensed health care provider employed by the state, the attorney or pro
86 se party filing the claim may submit a certificate of good faith to the
87 Office of the Claims Commissioner in accordance with section 52-190a.
88 If such a certificate is submitted, permission to sue the state shall be
89 deemed granted by the Claims Commissioner (1) on June 28, 2021, if the
90 certificate has been filed with the Claims Commissioner prior to June 28,
91 2021, or (2) upon the filing of the certificate with the Office of the Claims
92 Commissioner, if such certificate is filed on or after June 28, 2021. In lieu
93 of filing a notice of claim pursuant to section 4-147, a claimant may
94 commence a medical malpractice action against the state prior to the
95 expiration of the limitation period set forth in section 4-148 and
96 authorization for such action against the state shall be deemed granted.
97 Any such action shall be limited to medical malpractice claims only and
98 any such action shall be deemed a suit otherwise authorized by law in
99 accordance with subsection (a) of section 4-142. The provisions of this
100 subsection shall apply to any claim alleging malpractice against the state
101 that was timely filed with the Claims Commissioner and remains
102 pending with said commissioner, regardless of whether such claim was
103 filed before, on or after October 1, 2019.] All claims alleging malpractice
104 of the state, a state hospital or a physician, surgeon, dentist, podiatrist,
105 chiropractor or other licensed health care provider employed by the
106 state, arising on and after July 1, 2026, shall be filed as a suit against the
107 state with the Superior Court in accordance with the provisions of
108 section 52-190a. The state waives its immunity from liability and from
109 suit in each such medical malpractice action, and the rights and liability
110 of the state in each such action shall be coextensive with and shall equal
111 the rights and liability of private persons in like circumstances. Any
112 such action shall be limited to medical malpractice claims only and any

113 such action shall be deemed a suit otherwise authorized by law in
114 accordance with subsection (a) of section 4-142.

115 (g) After completion of discovery in a suit filed in the Superior Court
116 after receiving permission to sue the state on the basis of an affidavit
117 attesting to the validity of a claim filed in accordance with subsection (a)
118 of this section, if the court determines that such affidavit was not made
119 in good faith, that no justiciable issue was presented against the state
120 and that the state cooperated in good faith with the claimant by
121 providing informal discovery, the court, upon motion or on its own
122 initiative, shall impose upon the attorney and claimant or pro se
123 claimant who signed such affidavit an appropriate sanction, which may
124 include an order to pay to the state the reasonable expenses incurred by
125 the state because of the filing of the suit. The court may also submit the
126 matter to the appropriate authority for disciplinary review of any
127 attorney who submitted the affidavit.

128 (h) In each action authorized by the Claims Commissioner, the
129 Deputy Claims Commissioner or a special deputy, or any action where
130 permission to sue the state has been deemed to have been granted by
131 the Claims Commissioner, the Deputy Claims Commissioner or a
132 special deputy pursuant to subsections (a) to (f), inclusive, of this section
133 or by the General Assembly pursuant to section 4-159 or 4-159a, the
134 claimant shall allege such authorization or permission and the date on
135 which it was granted, except that evidence of such authorization or
136 permission shall not be admissible in such action as evidence of the
137 state's liability. Except as provided in subsection (d) of this section, (1)
138 the state waives its [immunity from liability and from suit in each such
139 action and waives all defenses which might arise from the eleemosynary
140 or governmental nature of the activity complained of] sovereign
141 immunity from liability, and (2) the rights and liability of the state in
142 each such action shall be coextensive with and shall equal the rights and
143 liability of private persons in like circumstances.

144 (i) No such action shall be brought but within one year from the date

145 such authorization becomes effective or permission to sue is granted,
146 whichever date is later. With respect to any claim presented to the Office
147 of the Claims Commissioner, the Deputy Claims Commissioner or a
148 special deputy for which authorization or permission to sue is granted,
149 any statute of limitation applicable to such action shall be tolled until
150 the date such authorization or permission to sue is granted. The
151 claimant shall bring such action against the state as party defendant in
152 the judicial district in which the claimant resides or, if the claimant is
153 not a resident of this state, in the judicial district of Hartford or in the
154 judicial district in which the claim arose.

155 (j) Civil process directed against the state shall be served as provided
156 in section 52-64.

157 (k) Issues arising in such actions shall be tried to the court without a
158 jury.

159 (l) The laws and rules of practice governing disclosures in civil
160 actions shall apply against state agencies and state officers and
161 employees possessing books, papers, records, documents or
162 information pertinent to the issues involved in any such action.

163 (m) The Attorney General, with the consent of the court, may
164 compromise or settle any such action. The terms of every such
165 compromise or settlement shall be expressed in a judgment of the court.

166 (n) Costs may be allowed against the state as the court deems just,
167 consistent with the provisions of chapter 901.

168 (o) The clerk of the court in which judgment is entered against the
169 state shall forward a certified copy of such judgment to the Comptroller.
170 The Attorney General shall certify to the Comptroller when the time
171 allowed by law for proceeding subsequent to final judgment has expired
172 and the Attorney General shall designate the state agency involved in
173 the action. Upon receipt of such judgment and certification the
174 Comptroller shall make payment as follows: Amounts directed by law

175 to be paid from a special fund shall be paid from such special fund;
176 amounts awarded upon contractual claims for goods or services
177 furnished or for property leased shall be paid from the appropriation of
178 the agency which received such goods or services or occupied such
179 property; all other amounts shall be paid from such appropriation as the
180 General Assembly may have made for the payment of claims.

181 (p) Not later than five days after the convening of each regular
182 session, the Attorney General shall report to the joint standing
183 committee of the General Assembly having cognizance of matters
184 relating to the judiciary on the status and disposition of all actions
185 authorized pursuant to this section or section 4-159, or brought against
186 the state under any other provision of law and in which the interests of
187 the state are represented by the Attorney General. The report shall
188 include: (1) The number of such actions pending in state and federal
189 court, categorized by the alleged ground for the action, (2) the number
190 of new actions brought in the preceding year in state and federal court,
191 categorized by the alleged ground for the action, (3) the number of
192 actions disposed of in the preceding year, categorized by the ground for
193 the action that was disposed of and whether the action was disposed of
194 by settlement or litigation to final judgment, and the amount paid for
195 actions within the respective categories, and (4) such other information
196 as may be requested, from time to time, by the joint standing committee
197 of the General Assembly having cognizance of matters relating to the
198 judiciary. The report shall identify each action disposed of by payment
199 of an amount exceeding one hundred thousand dollars.

200 Sec. 2. Section 52-557f of the general statutes is repealed and the
201 following is substituted in lieu thereof (*Effective from passage*):

202 As used in sections 52-557f to 52-557i, inclusive:

203 (1) "Charge" means the admission price or fee asked in return for
204 invitation or permission to enter or go upon the land;

205 (2) "Land" means land, roads, water, watercourses, private ways and

206 buildings, structures, and machinery or equipment when attached to the
 207 realty, except that if the owner is a municipality, political subdivision of
 208 the state, municipal corporation, special district or water or sewer
 209 district: (A) "Land" does not include a swimming pool, playing field or
 210 court, playground, building with electrical service, or machinery when
 211 attached to the realty, that is also within the possession and control of
 212 the municipality, political subdivision of the state, municipal
 213 corporation, special district or water or sewer district; and (B) "road"
 214 does not include a paved public through road that is open to the public
 215 for the operation of four-wheeled private passenger motor vehicles;

216 (3) "Owner" means the possessor of a fee interest, a tenant, lessee,
 217 occupant or person in control of the premises. "Owner" includes, but is
 218 not limited to, the state, a municipality, political subdivision of the state,
 219 municipal corporation, special district or water or sewer district;

220 (4) "Recreational purpose" includes, but is not limited to, any of the
 221 following, or any combination thereof: Hunting, fishing, swimming,
 222 boating, camping, picnicking, hiking, pleasure driving, nature study,
 223 water skiing, snow skiing, ice skating, sledding, hang gliding, sport
 224 parachuting, hot air ballooning, bicycling and viewing or enjoying
 225 historical, archaeological, scenic or scientific sites.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4-160
Sec. 2	<i>from passage</i>	52-557f

Statement of Purpose:

To clarify state law provisions relating to (1) bringing a claim against the state for alleged medical malpractice by a state actor, and (2) the state's liability for injuries occurring on land made available to a member of the public for recreational purposes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]