

**JOINT COMMITTEE ON THE JUDICIARY  
BILL SUMMARY**

**BILL NO.** H1723

**TITLE:** An Act to eliminate the charitable immunity cap

**SPONSOR:** Rep. Carmine Gentile

**CO-SPONSOR:** Rep. Mary Keefe  
Senator Michael Moore  
Senator Patrick O'Connor

**HEARING DATE:** April 8, 2025

**PRIOR HISTORY:** 2023-2024, H1524 (Gentile)  
2021-2022, H1599 (Gentile)  
2019-2020, H3289 (Gentile)  
2017-2018, H813 (Gentile)  
2013-2014, S765 (Montigny)  
2011-2012, S825 (Montigny)

**COMPANION BILL:** S1193 (Montigny)

**CURRENT LAW:** Section 85K of Chapter 231 limits the tort liability of certain charitable organizations and the directors, officers or trustees of educational institutions. It limits the liability to \$20,000 for any cause of action stemming from an act committed in the course of an activity done to directly accomplish the charitable purpose of the corporation, trust or association. Liability for medical malpractice claims against nonprofit organizations providing health care is limited to \$1000,000. This cap on charitable liability does not apply if the action was committed in the course of activities primarily commercial in character despite them being done to obtain revenue to be used for charitable purposes.

The section further limits the liability of volunteer directors, officers and trustees of non-profit educational institutions acting in good faith and within the scope of official functions and duties to damages or injuries caused by willful or wanton misconduct. None of the liability limits in this section apply to any motor vehicle case.

**BILL SUMMARY:**

This legislation eliminates the charitable legal immunity cap exposing nonprofits to civil lawsuits.