

# GRIEVING FAMILIES ACT (GFA)

---

Updated on September 11, 2023

## A) HISTORY OF GFA

- GFA bill introduced in 2021 (S74A/A6770 of 2021-22), passed both houses in early June of 2022.
- This bill was introduced to the Governor in late December of 2022 for her approval or veto.
- NYS Governor Hochul vetoed this GFA bill (“GFA 1.0”) on January 30, 2023.
- A new Grieving Families Act bill (A6698/S6636 of 2023, “GFA 2.0”) was introduced on May 2 and passed by both houses of the NY Legislature on June 6.
- The GFA 2.0 is currently sitting in the Legislature, awaiting delivery to the Governor for her approval or veto.

## B) DIFFERENCES BETWEEN GFA 1.0 AND GFA 2.0

- GFA 1.0 added as new damages eligible for recovery in NY wrongful death lawsuits both “grief or anguish” suffered by family members/close friends of the decedent (person who died as a result of alleged negligent conduct) and also “any disorders caused by such grief or anguish”. GFA 2.0 keeps the new category of damages for “grief or anguish” but deleted the “disorders” damages.
- GFA 1.0 contained an effective date of immediately upon enactment and applied its provisions to all wrongful death lawsuits commenced after date of enactment AND to wrongful death lawsuits pending. GFA 2.0 also contains an immediately upon enactment effective date but applies also to any wrongful death that occurs on or after July 1, 2018.
- GFA 1.0 amended the current wrongful death statute of limitations of 2 years to 3 and a half years, GFA 2.0 amends the statute of limitations to 3 years.
- GFA 1.0 amended the current law to allow any “surviving close family member” to be eligible to recover damages, GFA 2.0 narrows this by listing the type of family members eligible to recover damages.

## C) BOTTOM LINE

- While GFA 2.0 does contain some different language than GFA 1.0, the Milliman actuarial study of GFA 1.0 estimated an increase to NY medical liability premiums of up to 40 percent based SOLELY on the “grief or anguish” provision in GFA 1.0. Since this exact same language is also contained in GFA 2.0, the significant cost impact of this new version of the GFA is identical to the old version that was vetoed by the Governor in late January of 2022.