

Effective Date: March 9, 2010

(Upon approval by 2/3<sup>rd</sup> majority of both houses of the Legislature)

1       **Rule 409. Payment of medical and similar expenses; expressions of apology.**

2       (a) Evidence of furnishing or offering or promising to pay medical, hospital, or similar  
3 expenses occasioned by an injury is not admissible to prove liability for the injury.

4       (b) Statements, expressions, or conduct that express apology, sympathy,  
5 commiseration, condolence, compassion, or general sense of benevolence, or describe  
6 the sequence of events relating to the unanticipated outcome of medical care or the  
7 significance of events or both are not admissible against a health care provider or an  
8 employee of a health care provider to prove liability for an injury.

9       ADVISORY COMMITTEE NOTE

10       This rule is the federal rule, verbatim. There was no comparable rule under Utah  
11 Rules of Evidence (1971) but former Rules 52 and 53 seemed to encompass the same  
12 restrictions. Utah Code Annotated, Sections 78-27-29, 78-27-30 and 31-1-15 (1953) are  
13 superseded by this rule.

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