

By: Representative Holland

To: Judiciary A

HOUSE BILL NO. 1010

1 AN ACT TO CODIFY NEW SECTION 11-11-8, MISSISSIPPI CODE OF
2 1972, TO SPECIFY THE VENUE FOR ACTIONS AGAINST NURSING HOMES FOR
3 INJURY OR DAMAGES OR WRONGFUL DEATH; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** The following shall be codified as Section
6 11-11-8, Mississippi Code of 1972:

7 11-11-8. Actions against nursing homes and other long-term
8 care providers for injury or damages or wrongful death, whether in
9 contract or tort, based on an alleged breach of the standard of
10 care must be brought in the county in which the act or omission
11 constituting the alleged breach of the standard of care by the
12 defendant actually occurred. If the act or omissions took place
13 in more than one (1) county within the State of Mississippi, the
14 action must be brought in the county in which the plaintiff
15 resided at the time of the act or omission, if the action is for
16 personal injuries, or in which the plaintiff's decedent resided at
17 the time of the act or omission, if the action is for wrongful
18 death. If at any time before the beginning of the trial of the
19 action it is shown that the plaintiff's injuries or plaintiff's
20 decedent's death did not result from acts or omissions that took
21 place in more than one (1) county, on motion of any defendant the
22 court shall transfer the action to the county in which the alleged
23 acts or omissions actually occurred.

24 If an action is brought in an improper county, the action may
25 be transferred to the proper county under Section 11-11-17.

26 **SECTION 2.** This act shall take effect and be in force from
27 and after its passage.

