HOUSE BILL NO. 1010

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

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

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

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

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

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