HOUSE BILL NO. 1163

AN ACT TO AMEND SECTION 7, HOUSE BILL NO. 2, THIRD
EXTRAORDINARY SESSION OF 2002, TO INCLUDE EMERGENCY MEDICAL
TECHNICIANS, PARAMEDICS AND AMBULANCE SERVICES IN THE CAP ON
NONECONOMIC DAMAGES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 7 of House Bill No. 2, Third
Extraordinary Session of 2002, is amended as follows:
Section 7. (1) For the purposes of this section, the
following words and phrases shall have the meanings ascribed
herein unless the context clearly requires otherwise:
(a) "Noneconomic damages" means subjective,
nonpecuniary damages arising from death, pain, suffering,
inconvenience, mental anguish, worry, emotional distress, loss of
society and companionship, loss of consortium, bystander injury,
physical impairment, injury to reputation, humiliation,
embarrassment, loss of the enjoyment of life, hedonic damages,
other nonpecuniary damages, and any other theory of damages such
as fear of loss, illness or injury. The term "noneconomic
damages" shall not include damages for disfigurement, nor does it
include punitive or exemplary damages.
(b) "Actual economic damages" means objectively
verifiable pecuniary damages arising from medical expenses and
medical care, rehabilitation services, custodial care,
disabilities, loss of earnings and earning capacity, loss of
income, burial costs, loss of use of property, costs of repair or
replacement of property, costs of obtaining substitute domestic
services, loss of employment, loss of business or employment
opportunities, and other objectively verifiable monetary losses.
(c) "Provider of health care" means a licensed physician, psychologist, osteopath, dentist, nurse, nurse practitioner, physician assistant, emergency medical technician (EMT), paramedic, ambulance service, pharmacist, podiatrist, optometrist, chiropractor, institution for the aged or infirm, hospital, licensed pharmacy or any legal entity which may be liable for their acts or omissions.

(2) (a) In any action for injury based on malpractice or breach of standard of care against a provider of health care, including institutions for the aged or infirm, in the event the trier of fact finds the defendant liable, they shall not award the plaintiff more than the following for noneconomic damages:

(i) For claims for causes of action filed on or after passage of House Bill No. 2, 3rd Extraordinary Session 2002, but before July 1, 2011, the sum of Five Hundred Thousand Dollars ($500,000.00);

(ii) For claims for causes of action filed on or after July 1, 2011, but before July 1, 2017, the sum of Seven Hundred Fifty Thousand Dollars ($750,000.00);

(iii) For claims for causes of action filed on or after July 1, 2017, the sum of One Million Dollars ($1,000,000.00).

It is the intent of this section to limit all noneconomic damages to the above.

(b) The trier of fact shall not be advised of the limitations imposed by this subsection (2) and the judge shall appropriately reduce any award of noneconomic damages that exceeds the applicable limitation.

(3) The limitation on noneconomic damages set forth in subsection (2) shall not apply in cases where the judge determines that a jury may impose punitive damages.
(4) Nothing in this section shall be construed to impose a limitation on damages for disfigurement or actual economic damages.

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