

By: Representative Malone

To: Judiciary A

HOUSE BILL NO. 1163

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

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

6 **SECTION 1.** Section 7 of House Bill No. 2, Third
7 Extraordinary Session of 2002, is amended as follows:

8 Section 7. (1) For the purposes of this section, the
9 following words and phrases shall have the meanings ascribed
10 herein unless the context clearly requires otherwise:

11 (a) "Noneconomic damages" means subjective,
12 nonpecuniary damages arising from death, pain, suffering,
13 inconvenience, mental anguish, worry, emotional distress, loss of
14 society and companionship, loss of consortium, bystander injury,
15 physical impairment, injury to reputation, humiliation,
16 embarrassment, loss of the enjoyment of life, hedonic damages,
17 other nonpecuniary damages, and any other theory of damages such
18 as fear of loss, illness or injury. The term "noneconomic
19 damages" shall not include damages for disfigurement, nor does it
20 include punitive or exemplary damages.

21 (b) "Actual economic damages" means objectively
22 verifiable pecuniary damages arising from medical expenses and
23 medical care, rehabilitation services, custodial care,
24 disabilities, loss of earnings and earning capacity, loss of
25 income, burial costs, loss of use of property, costs of repair or
26 replacement of property, costs of obtaining substitute domestic
27 services, loss of employment, loss of business or employment
28 opportunities, and other objectively verifiable monetary losses.



29 (c) "Provider of health care" means a licensed
30 physician, psychologist, osteopath, dentist, nurse, nurse
31 practitioner, physician assistant, emergency medical technician
32 (EMT), paramedic, ambulance service, pharmacist, podiatrist,
33 optometrist, chiropractor, institution for the aged or infirm,
34 hospital, licensed pharmacy or any legal entity which may be
35 liable for their acts or omissions.

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

41 (i) For claims for causes of action filed on or
42 after passage of House Bill No. 2, 3rd Extraordinary Session 2002,
43 but before July 1, 2011, the sum of Five Hundred Thousand Dollars
44 (\$500,000.00);

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

48 (iii) For claims for causes of action filed on or
49 after July 1, 2017, the sum of One Million Dollars
50 (\$1,000,000.00).

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

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

57 (3) The limitation on noneconomic damages set forth in
58 subsection (2) shall not apply in cases where the judge determines
59 that a jury may impose punitive damages.



60 (4) Nothing in this section shall be construed to impose a
61 limitation on damages for disfigurement or actual economic
62 damages.

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

