

By: Senator(s) Jackson, Jordan, Simmons  
(13th), Frazier, Butler (38th), Butler  
(36th), Simmons (12th), Thomas, Norwood

To: Insurance

SENATE BILL NO. 2393

1 AN ACT TO AMEND SECTION 71-3-13, 71-3-17, 71-3-21 AND  
2 71-3-25, MISSISSIPPI CODE OF 1972, TO INCREASE THE MAXIMUM TOTAL  
3 COMPENSATION THAT AN EMPLOYEE MAY RECOVER UNDER THE WORKERS'  
4 COMPENSATION LAW, AND TO PROVIDE THAT COMPENSATION FOR PERMANENT  
5 TOTAL DISABILITY SHALL BE PAID TO THE EMPLOYEE UNTIL HIS DEATH; TO  
6 REQUIRE EMPLOYERS TO MAKE ALL REASONABLE EFFORTS TO PROTECT  
7 EMPLOYEES FROM PREVENTABLE HAZARDS; TO PROHIBIT EMPLOYERS FROM  
8 FIRING, SUSPENDING OR RETALIATING AGAINST AN EMPLOYEE WHO FILES A  
9 WORKERS' COMPENSATION CLAIM; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 71-3-13, Mississippi Code of 1972, is  
12 amended as follows:

13 71-3-13. (1) Compensation for disability or in death cases  
14 shall not exceed sixty-six and two-thirds percent (66-2/3%) of the  
15 average weekly wage for the state per week, nor shall it be less  
16 than Twenty-five Dollars (\$25.00) per week except in partial  
17 dependency cases and in partial disability cases.

18 (2) Maximum recovery: The total recovery of compensation  
19 hereunder, exclusive of medical payments under Section 71-3-15,  
20 and compensation for permanent total disability under Section  
21 71-3-17(a), arising from the injury to an employee or the death of



22 an employee, or any combination of such injury or death, shall not  
23 exceed the multiple of \* \* \* five hundred twenty (520) weeks times  
24 sixty-six and two-thirds percent (66-2/3%) of the average weekly  
25 wage for the state.

26 **SECTION 2.** Section 71-3-17, Mississippi Code of 1972, is  
27 amended as follows:

28 71-3-17. Compensation for disability shall be paid to the  
29 employee as follows:

30 (a) Permanent total disability: In case of total  
31 disability adjudged to be permanent, sixty-six and two-thirds  
32 percent (66-2/3%) of the average weekly wages of the injured  
33 employee \* \* \* shall be paid to the employee \* \* \* until his  
34 death. Loss of both hands, or both arms, or both feet, or both  
35 legs, or both eyes, or of any two (2) thereof shall constitute  
36 permanent total disability. In all other cases, permanent total  
37 disability shall be determined in accordance with the facts.

38 (b) Temporary total disability: In case of disability,  
39 total in character but temporary in quality, sixty-six and  
40 two-thirds percent (66-2/3%) of the average weekly wages of the  
41 injured employee, subject to the maximum limitations as to weekly  
42 benefits as set up in this chapter, shall be paid to the employee  
43 during the continuance of such disability not to exceed four  
44 hundred fifty (450) weeks or an amount greater than the multiple  
45 of four hundred fifty (450) weeks times sixty-six and two-thirds  
46 percent (66-2/3%) of the average weekly wage for the state.



47 Provided, however, if there arises a conflict in medical opinions  
48 of whether or not the claimant has reached maximum medical  
49 recovery and the claimant's benefits have been terminated by the  
50 carrier, then the claimant may demand an immediate hearing before  
51 the commissioner upon five (5) days' notice to the carrier for a  
52 determination by the commission of whether or not in fact the  
53 claimant has reached maximum recovery.

54 (c) Permanent partial disability: In case of  
55 disability partial in character but permanent in quality, the  
56 compensation shall be sixty-six and two-thirds percent (66-2/3%)  
57 of the average weekly wages of the injured employee, subject to  
58 the maximum limitations as to weekly benefits as set up in this  
59 chapter, which shall be paid following compensation for temporary  
60 total disability paid in accordance with paragraph (b) of this  
61 section, and shall be paid to the employee as follows:

62	Member Lost	Number Weeks Compensation
63	(1) Arm	200
64	(2) Leg	175
65	(3) Hand	150
66	(4) Foot	125
67	(5) Eye	100
68	(6) Thumb	60
69	(7) First finger	35
70	(8) Great toe	30
71	(9) Second finger	30



72	(10) Third finger	20
73	(11) Toe other than great toe	10
74	(12) Fourth finger	15
75	(13) Testicle, one	50
76	(14) Testicle, both	150
77	(15) Breast, female, one	50
78	(16) Breast, female, both	150
79	(17) Loss of hearing: Compensation for loss of	
80	hearing of one (1) ear, forty (40) weeks. Compensation for loss	
81	of hearing of both ears, one hundred fifty (150) weeks.	
82	(18) Phalanges: Compensation for loss of more	
83	than one (1) phalange of a digit shall be the same as for loss of	
84	the entire digit. Compensation for loss of the first phalange	
85	shall be one-half (1/2) of the compensation for loss of the entire	
86	digit.	
87	(19) Amputated arm or leg: Compensation for an	
88	arm or leg, if amputated at or above wrist or ankle, shall be for	
89	the loss of the arm or leg.	
90	(20) Binocular vision or percent of vision:	
91	Compensation for loss of binocular vision or for eighty percent	
92	(80%) or more of the vision of an eye shall be the same as for	
93	loss of the eye.	
94	(21) Two (2) or more digits: Compensation for	
95	loss of two (2) or more digits, or one * * * or more phalanges of	
96	two (2) or more digits, of a hand or foot may be proportioned to	



97 the loss of the use of the hand or foot occasioned thereby, but  
98 shall not exceed the compensation for loss of a hand or foot.

99 (22) Total loss of use: Compensation for  
100 permanent total loss of use of a member shall be the same as for  
101 loss of the member.

102 (23) Partial loss or partial loss of use:  
103 Compensation for permanent partial loss or loss of use of a member  
104 may be for proportionate loss or loss of use of the member.

105 (24) Disfigurement: The commission, in its  
106 discretion, is authorized to award proper and equitable  
107 compensation for serious facial or head disfigurements not to  
108 exceed Five Thousand Dollars (\$5,000.00). No such award shall be  
109 made until a lapse of one (1) year from the date of the injury  
110 resulting in such disfigurement.

111 (25) Other cases: In all other cases in this  
112 class of disability, the compensation shall be sixty-six and  
113 two-thirds percent (66-2/3%) of the difference between his average  
114 weekly wages, subject to the maximum limitations as to weekly  
115 benefits as set up in this chapter, and his wage-earning capacity  
116 thereafter in the same employment or otherwise, payable during the  
117 continuance of such partial disability, but subject to  
118 reconsideration of the degree of such impairment by the commission  
119 on its own motion or upon application of any party in interest.  
120 Such payments shall in no case be made for a longer period  
121 than \* \* \* five hundred twenty (520) weeks.



122                   (26) In any case in which there shall be a loss  
123 of, or loss of use of, more than one (1) member or parts of more  
124 than one (1) member set forth in subparagraphs (1) through (23) of  
125 this paragraph (c), not amounting to permanent total disability,  
126 the award of compensation shall be for the loss of, or loss of use  
127 of, each such member or parts thereof, which awards shall run  
128 consecutively, except that where the injury affects only two (2)  
129 or more digits of the same hand or foot, subparagraph (21) of this  
130 paragraph (c) shall apply.

131           **SECTION 3.** Section 71-3-21, Mississippi Code of 1972, is  
132 amended as follows:

133           71-3-21. In case of temporary partial disability resulting  
134 in decrease of earning capacity, there shall be paid to the  
135 injured employee sixty-six and two-thirds percent (66-2/3%) of the  
136 difference between the injured employee's average weekly wages  
137 before the injury and his wage-earning capacity after the injury  
138 in the same or other employment, subject to the maximum  
139 limitations as to weekly benefits as set up in this chapter,  
140 payable during the continuance of such disability but in no case  
141 exceeding \* \* \* five hundred twenty (520) weeks or an amount  
142 greater than the multiple of \* \* \* five hundred twenty (520) weeks  
143 times sixty-six and two-thirds percent (66-2/3%) of the average  
144 weekly wage for the state.

145           **SECTION 4.** Section 71-3-25, Mississippi Code of 1972, is  
146 amended as follows:



147           71-3-25. If the injury causes death, the compensation shall  
148 be known as a death benefit and shall be payable in the amount and  
149 to or for the benefit of the persons following:

150           (a) An immediate lump-sum payment of One Thousand  
151 Dollars (\$1,000.00) to the surviving spouse, in addition to other  
152 compensation benefits.

153           (b) Reasonable funeral expenses not exceeding Five  
154 Thousand Dollars (\$5,000.00) exclusive of other burial insurance  
155 or benefits.

156           (c) If there be a surviving spouse and no child of the  
157 deceased, to such surviving spouse thirty-five percent (35%) of  
158 the average wages of the deceased during widowhood or dependent  
159 widowhood and, if there be a surviving child or children of the  
160 deceased, the additional amount of ten percent (10%) of such wages  
161 for each such child. In case of the death or remarriage of such  
162 surviving spouse, any surviving child of the deceased employee  
163 shall have his compensation increased to fifteen percent (15%) of  
164 such wages, provided that the total amount payable shall in no  
165 case exceed sixty-six and two-thirds percent (66-2/3%) of such  
166 wages, subject to the maximum limitations as to weekly benefits as  
167 set up in this chapter. The commission may, in its discretion,  
168 require the appointment of a guardian for the purpose of receiving  
169 the compensation of a minor dependent. In the absence of such a  
170 requirement, the appointment of a guardian for such purposes shall



171 not be necessary, provided that if no legal guardian be appointed,  
172 payment to the natural guardian shall be sufficient.

173 (d) If there be a surviving child or children of the  
174 deceased but no surviving spouse, then for the support of each  
175 such child twenty-five percent (25%) of the wages of the deceased,  
176 provided that the aggregate shall in no case exceed sixty-six and  
177 two-thirds percent ( $66\frac{2}{3}\%$ ) of such wages, subject to the maximum  
178 limitations as to weekly benefits as set up in this chapter.

179 (e) If there be no surviving spouse or child, or if the  
180 amount payable to a surviving spouse and to children shall be less  
181 in the aggregate than sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ )  
182 of the average wages of the deceased, subject to the maximum  
183 limitations as to weekly benefits as set up in this chapter, then  
184 for the support of grandchildren or brothers and sisters, if  
185 dependent upon the deceased at the time of the injury, fifteen  
186 percent (15%) of such wages for the support of each such person;  
187 and for the support of each parent or grandparent of the deceased,  
188 if dependent upon him at the time of injury, fifteen percent (15%)  
189 of such wages during such dependency. But in no case shall the  
190 aggregate amount payable under this subsection exceed the  
191 difference between sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of  
192 such wages and the amount payable as hereinbefore provided to  
193 surviving spouse and for the support of surviving child or  
194 children, subject to the maximum limitations as to weekly benefits  
195 as set up in this chapter.





196 (f) The total weekly compensation payments to any or  
197 all beneficiaries in death cases shall not exceed the weekly  
198 benefits as set up in this chapter and shall in no case be paid  
199 for a longer period than \* \* \* five hundred twenty (520) weeks or  
200 for a greater amount than the multiple of \* \* \* five hundred  
201 twenty (520) weeks times sixty-six and two-thirds percent  
202 (66-2/3%) of the average weekly wage for the state.

203 (g) All questions of dependency shall be determined as  
204 of the time of the injury. A surviving spouse, child or children  
205 shall be presumed to be wholly dependent. All other dependents  
206 shall be considered on the basis of total or partial dependence as  
207 the facts may warrant.

208 **SECTION 5.** (1) An employer shall not fire, suspend or  
209 retaliate in any way against an employee who files a workers'  
210 compensation claim.

211 (2) An employer shall make all reasonable efforts to protect  
212 employees from preventable safety and health hazards.

213 **SECTION 6.** This act shall take effect and be in force from  
214 and after July 1, 2023.

