

By: Representative Tullos

To: Judiciary A

## HOUSE BILL NO. 548

1 AN ACT TO AMEND SECTION 11-1-60, MISSISSIPPI CODE OF 1972, TO  
2 LIMIT THE AMOUNT OF NONECONOMIC DAMAGES FOR CATASTROPHIC INJURIES  
3 OR ILLNESSES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 11-1-60, Mississippi Code of 1972, is  
6 amended as follows:

7 11-1-60. (1) For the purposes of this section, the  
8 following words and phrases shall have the meanings ascribed  
9 herein unless the context clearly requires otherwise:

10 (a) "Catastrophic injury or illness" means a permanent  
11 impairment, constituted by:

12 (i) Spinal cord injury involving severe paralysis  
13 of an arm, a leg, or the trunk;

14 (ii) Amputation of an arm, a hand, a foot, or a  
15 leg;

16 (iii) Severe or traumatic brain or closed-head  
17 injury as evidenced by:

18 1. Severe sensory or motor disturbances;



19                   2. Severe communication disturbances;  
20                   3. Severe complex integrated disturbances of  
21 cerebral function;  
22                   4. Severe episodic neurological disorders; or  
23                   5. Other severe brain and closed-head injury  
24 conditions at least as severe in nature as any condition described  
25 in subparagraphs 1 through 5;  
26                   (iv) Second-degree or third-degree burns on  
27 twenty-five percent (25%) or more of the total body surface or  
28 third-degree burns on five percent (5%) or more of the face and  
29 hands;  
30                   (v) Total or industrial blindness;  
31                   (vi) Internal organ damage;  
32                   (vii) Multiple, complex bone fractures;  
33                   (viii) Partial or total paralysis; or  
34                   (ix) Any other injury that would otherwise qualify  
35 under this chapter and that is of a nature and severity that would  
36 qualify an individual to receive disability income benefits under  
37 Title II or supplemental security income benefits under Title XVI  
38 of the federal Social Security Act as the Social Security Act  
39 existed on July 1, 1992, without regard to any time limitations  
40 provided under that act.  
41                   (b) "Death" means a cause of action arising under  
42 Mississippi's Wrongful Death Statute provided in Section 11-7-13.



( \* \* \*c) "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, disfigurement, 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 punitive or exemplary damages.

( \* \* \*d) "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.

(2) (a) In any cause of action filed on or after September 1, 2004, 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 Five Hundred Thousand Dollars (\$500,000.00) for noneconomic damages.



(b) In any civil action filed on or after September 1, 2004, other than those actions described in paragraph (a) of this subsection, in the event the trier of fact finds the defendant liable, they shall not award the plaintiff more than One Million Dollars (\$1,000,000.00) for noneconomic damages.

(c) In any civil action pending as of January 1, 2025, or filed on or after January 1, 2025, involving catastrophic injury, illness, or death, in the event the trier of fact finds the defendant liable, the trier of fact shall not award the plaintiff more than Three Million Dollars (\$3,000,000.00) for noneconomic damages.

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

( \* \* \*d) 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) Nothing contained in subsection (1) of this section shall be construed as creating a cause of action or as setting forth elements of or types of damages that are or are not recoverable in any type of cause of action.

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

