

By: Representative Tullos

To: Judiciary A

HOUSE BILL NO. 1457

1 AN ACT TO AMEND SECTION 11-1-60, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE NONECONOMIC DAMAGES TO BE CALCULATED AT A COMPOUNDED RATE  
3 OF EIGHT PERCENT; 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) "Noneconomic damages" means subjective,  
11 nonpecuniary damages arising from death, pain, suffering,  
12 inconvenience, mental anguish, worry, emotional distress, loss of  
13 society and companionship, loss of consortium, bystander injury,  
14 physical impairment, disfigurement, injury to reputation,  
15 humiliation, embarrassment, loss of the enjoyment of life, hedonic  
16 damages, other nonpecuniary damages, and any other theory of  
17 damages such as fear of loss, illness or injury. The term



"noneconomic damages" shall not 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.

(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) The trier of fact shall not be advised of the limitations imposed by this subsection (2) and the judge shall



43 appropriately reduce any award of noneconomic damages that exceeds  
44 the applicable limitation.

45 (d) From and after July 1, 2025, the amounts of the  
46 awards for noneconomic damages listed in paragraphs (a) and (b)  
47 shall be appropriately calculated at an eight percent (8%)  
48 compounded interest rate for each year from and after July 1,  
49 2025.

50 (3) Nothing contained in subsection (1) of this section  
51 shall be construed as creating a cause of action or as setting  
52 forth elements of or types of damages that are or are not  
53 recoverable in any type of cause of action.

54 **SECTION 2.** This act shall take effect and be in force from  
55 and after July 1, 2025.

