

By: Senator(s) Blackmon

To: Judiciary, Division A

## SENATE BILL NO. 2493

1       AN ACT TO STATE LEGISLATIVE FINDINGS; TO AMEND SECTION  
2 11-1-60, MISSISSIPPI CODE OF 1972, TO INCREASE THE NONECONOMIC  
3 DAMAGES LIMITATION FOR ANY CIVIL ACTION OTHER THAN AN ACTION FOR  
4 AN INJURY BASED ON MALPRACTICE OR BREACH OF STANDARD OF CARE  
5 AGAINST A PROVIDER OF HEALTH CARE; AND FOR RELATED PURPOSES.

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

7       **SECTION 1.** (1) The Legislature finds that the United States  
8 Dollar has had an average inflation rate of two and six-tenths  
9 percent (2.6%) per year between 2004 and today.

10       (2) The Legislature further finds that the average inflation  
11 rate has produced a cumulative price increase of sixty-seven and  
12 two one-hundredths percent (67.02%).

13       (3) The Legislature further finds that one (1) United States  
14 dollar in 2004 is equivalent in purchasing power to approximately  
15 One Dollar and Sixty-seven Cents (\$1.67) today.

16       **SECTION 2.** Section 11-1-60, Mississippi Code of 1972, is  
17 amended as follows:

18           11-1-60. (1) For the purposes of this section, the  
19 following words and phrases shall have the meanings ascribed  
20 herein unless the context clearly requires otherwise:

21           (a) "Noneconomic damages" means subjective,  
22 nonpecuniary damages arising from death, pain, suffering,  
23 inconvenience, mental anguish, worry, emotional distress, loss of  
24 society and companionship, loss of consortium, bystander injury,  
25 physical impairment, disfigurement, injury to reputation,  
26 humiliation, embarrassment, loss of the enjoyment of life, hedonic  
27 damages, other nonpecuniary damages, and any other theory of  
28 damages such as fear of loss, illness or injury. The term  
29 "noneconomic damages" shall not include punitive or exemplary  
30 damages.

31           (b) "Actual economic damages" means objectively  
32 verifiable pecuniary damages arising from medical expenses and  
33 medical care, rehabilitation services, custodial care,  
34 disabilities, loss of earnings and earning capacity, loss of  
35 income, burial costs, loss of use of property, costs of repair or  
36 replacement of property, costs of obtaining substitute domestic  
37 services, loss of employment, loss of business or employment  
38 opportunities, and other objectively verifiable monetary losses.

39           (2) (a) In any cause of action filed on or after September  
40 1, 2004, for injury based on malpractice or breach of standard of  
41 care against a provider of health care, including institutions for  
42 the aged or infirm, in the event the trier of fact finds the



43 defendant liable, they shall not award the plaintiff more than  
44 Five Hundred Thousand Dollars (\$500,000.00) for noneconomic  
45 damages.

46 (b) In any civil action filed on or after September 1,  
47 2004, other than those actions described in paragraph (a) of this  
48 subsection, in the event the trier of fact finds the defendant  
49 liable, they shall not award the plaintiff more than \* \* \* Two  
50 Million Dollars (\$2,000,000.00) for noneconomic damages.

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

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

61 **SECTION 3.** This act shall take effect and be in force from  
62 and after July 1, 2025.

