

By: Senator(s) Huggins, Burton

To: Judiciary

SENATE BILL NO. 2941

1 AN ACT TO PROVIDE VENUE FOR BRINGING A CAUSE OF ACTION
2 AGAINST NURSING HOMES AND OTHER LONG TERM CARE PROVIDERS; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** Actions against nursing homes and other long-term
6 care providers for injury or damages or wrongful death whether in
7 contract or tort based on an alleged breach of standard of care
8 must be brought in the county wherein the act or omission
9 constituting the alleged breach of the standard of care by the
10 defendant actually occurred. If the act or omission took place in
11 more than one county within the State of Mississippi, the action
12 must be brought in the county wherein the plaintiff resided at the
13 time of the act or omission, if the action is one for personal
14 injuries, or wherein the plaintiff's decedent resided at the time
15 of the act or omission if the action is one for wrongful death.
16 If at any time prior to the commencement of the trial of the
17 action it is shown that the plaintiff's injuries or plaintiff's
18 decedent's death did not result from acts or omissions which took
19 place in more than one county, on motion of any defendant the
20 court shall transfer the action to such county wherein the alleged
21 acts or omissions actually occurred. If an action is brought in
22 an improper county, such action may be transferred to the proper
23 county pursuant to Section 11-11-17.

24 **SECTION 2.** This act shall take effect and be in force from
25 and after July 1, 2002.

