

HOUSE BILL NO. 556

1 AN ACT TO AMEND SECTION 11-1-60, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE CAP ON NONECONOMIC DAMAGES; AND FOR RELATED PURPOSES.

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

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

6 11-1-60. (1) For the purposes of this section, the
7 following words and phrases shall have the meanings ascribed
8 herein unless the context clearly requires otherwise:

9 (a) "Noneconomic damages" means subjective,
10 nonpecuniary damages arising from death, pain, suffering,
11 inconvenience, mental anguish, worry, emotional distress, loss of
12 society and companionship, loss of consortium, bystander injury,
13 physical impairment, injury to reputation, humiliation,
14 embarrassment, loss of the enjoyment of life, hedonic damages,
15 other nonpecuniary damages, and any other theory of damages such
16 as fear of loss, illness or injury. The term "noneconomic
17 damages" shall not include damages for disfigurement, nor does it
18 include punitive or exemplary damages.

19 (b) "Actual economic damages" means objectively
20 verifiable pecuniary damages arising from medical expenses and
21 medical care, rehabilitation services, custodial care,
22 disabilities, loss of earnings and earning capacity, loss of
23 income, burial costs, loss of use of property, costs of repair or
24 replacement of property, costs of obtaining substitute domestic
25 services, loss of employment, loss of business or employment
26 opportunities, and other objectively verifiable monetary losses.

27 (c) "Provider of health care" means a licensed
28 physician, psychologist, osteopath, dentist, nurse, nurse
29 practitioner, physician assistant, pharmacist, podiatrist,
30 optometrist, chiropractor, institution for the aged or infirm,
31 hospital, licensed pharmacy or any legal entity which may be
32 liable for their acts or omissions.

33 (2) (a) In any action for injury based on malpractice or
34 breach of standard of care against a provider of health care,
35 including institutions for the aged or infirm, in the event the
36 trier of fact finds the defendant liable, they shall not award the
37 plaintiff more than Two Hundred Fifty Thousand Dollars
38 (\$250,000.00) for noneconomic damages.

39 * * *

40 (b) The trier of fact shall not be advised of the
41 limitations imposed by this subsection (2) and the judge shall
42 appropriately reduce any award of noneconomic damages that exceeds
43 the applicable limitation.

44 (3) The limitation on noneconomic damages set forth in
45 subsection (2) shall not apply in cases where the judge determines
46 that a jury may impose punitive damages.

47 (4) Nothing in this section shall be construed to impose a
48 limitation on damages for disfigurement or actual economic
49 damages.

50 **SECTION 2.** This act shall take effect and be in force from
51 and after July 1, 2004, and shall apply to all causes of action
52 filed on or after that date.