

By: Representative Tullos

To: Judiciary A

HOUSE BILL NO. 950

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.



43 (* * *c) "Noneconomic damages" means subjective,
44 nonpecuniary damages arising from death, pain, suffering,
45 inconvenience, mental anguish, worry, emotional distress, loss of
46 society and companionship, loss of consortium, bystander injury,
47 physical impairment, disfigurement, injury to reputation,
48 humiliation, embarrassment, loss of the enjoyment of life, hedonic
49 damages, other nonpecuniary damages, and any other theory of
50 damages such as fear of loss, illness or injury. The term
51 "noneconomic damages" shall not include punitive or exemplary
52 damages.

53 (* * *d) "Actual economic damages" means objectively
54 verifiable pecuniary damages arising from medical expenses and
55 medical care, rehabilitation services, custodial care,
56 disabilities, loss of earnings and earning capacity, loss of
57 income, burial costs, loss of use of property, costs of repair or
58 replacement of property, costs of obtaining substitute domestic
59 services, loss of employment, loss of business or employment
60 opportunities, and other objectively verifiable monetary losses.

61 (2) (a) In any cause of action filed on or after September
62 1, 2004, for injury based on malpractice or breach of standard of
63 care against a provider of health care, including institutions for
64 the aged or infirm, in the event the trier of fact finds the
65 defendant liable, they shall not award the plaintiff more than
66 Five Hundred Thousand Dollars (\$500,000.00) for noneconomic
67 damages.



68 (b) In any civil action filed on or after September 1,
69 2004, other than those actions described in paragraph (a) of this
70 subsection, in the event the trier of fact finds the defendant
71 liable, they shall not award the plaintiff more than One Million
72 Dollars (\$1,000,000.00) for noneconomic damages.

73 (c) In any civil action pending as of January 1, 2024,
74 or filed on or after January 1, 2024, involving catastrophic
75 injury, illness, or death, in the event the trier of fact finds
76 the defendant liable, the trier of fact shall not award the
77 plaintiff more than Three Million Dollars (\$3,000,000.00) for
78 noneconomic damages.

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

81 (* * *d) The trier of fact shall not be advised of the
82 limitations imposed by this subsection (2) and the judge shall
83 appropriately reduce any award of noneconomic damages that exceeds
84 the applicable limitation.

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

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

