

COVID-19 State Healthcare Immunity Orders and Legislation

Revised 2022-3-7 9:00

**States highlighted in green have immunity orders or legislation currently in effect

**States highlighted in yellow have immunity orders or legislation that are set to expire in 30 days

**States highlighted in red have immunity orders or legislation which have expired

State	Order Link	Effective Date	Expiration Date	Summary
Alabama	SB30	Retroactive to March 13, 2020	October 31, 2022	<p>On February 12, 2021, Governor Ivey signed SB30 into law, granting licensed or approved healthcare facilities, and any medical and healthcare professional immunity from liability for any damage, injury, or death suffered by any person or entity as a result of, or in connection with, a health emergency claim that results from any act or omission of the covered entity. Immunity does not apply if the claimant proves by clear and convincing evidence that the covered entity caused damages, injury, or death by acting with wanton, reckless, willful, or intentional misconduct.</p> <p>On May 8, 2020, Governor Ivey issued a proclamation declaring that a business, health care provider, or other covered entity shall not be liable for the death or injury to persons or for damage to property in any way, arising from any act or omission related to, or in connection with a covered COVID-19 response. Immunity does not extend where the claimant's alleged death, injury, or damage was caused by the business, health care provider, or other covered entity's wanton, reckless, willful or intentional misconduct.</p>

				<p>“Covered COVID-19 Response Activity” is defined as</p> <ul style="list-style-type: none"> ➤ Any testing, distribution of testing materials, monitoring, collecting, reporting, tracking, tracing, investigating or disclosing exposures or other information connected with COVID-19; ➤ Any performance or provision of health care services or treatment by a health care provider that resulted from, was negatively affected by, was negatively impacted by a lack of resources caused by, or was done in response to COVID-19; ➤ Any design, manufacture, distribution, allowance, use, or non-use of precautionary equipment or supplies such as PPE in connection with COVID-19; ➤ Any design or manufacture of testing materials done under the direction of ADPH. <p>“Health care provider” means any health care facility, professional or person, including:</p> <ul style="list-style-type: none"> ➤ A medical practitioner, dental practitioner, medical institution, physician, dentist, or hospital. (Alabama Code Section 6-5-542(1)). This includes the licensed practitioner, professional corporation, association and partnership. (Alabama Code Section 6-5-481(1)-(8)). ➤ Any ADPH licensed or approved health care facility, including any health care facility or pharmacy operating and providing emergency services. ➤ Any licensed (including temporary licensed) medical or health care professional, individual, or entity. <p><i>The proclamation additionally states that if the liability protections contained therein are adjudged not to cover a health care provider, for any reason, then nothing in this proclamation shall be construed to limit, impair, or supersede the proclamation dated March 13, 2020, or any other state law presently governing legal standards or procedures, including judicial decisional law, in any civil action against a healthcare provider. The expiration date for the proclamation was until the public health emergency was terminated.</i></p> <p>On October 8, 2021, issued Proclamation P21-14 stating that the state of emergency for COVID-19 would expire on October 31, 2021.</p>
Alaska	Senate Bill 241	March 28, 2020		The Bill orders that a public health agent or health care provider who takes action based on a standing order issued by the chief medical officer is not liable for damages resulting from an act or omission in the implementation of the standing order. Nothing in the Bill precludes liability for civil

				<p>damages as a result of gross negligence, recklessness, or intentional misconduct.</p> <p>The Bill defines a “healthcare provider” as any person that provides healthcare services, including a hospital, medical clinic or office, special care facility, medical laboratory, physician, pharmacist, dentist, physician assistant, nurse, paramedic, emergency medical or laboratory technician, community health worker, and ambulance and emergency medical worker.</p> <p>The Alaska Senate will adopt on November 17, 2022 Resolution No. 5, which provides immunity from liability and disciplinary action for occupational licensees for exposure of clients to COVID-19; and provides immunity from liability for persons engaging in business and their employees for exposure of customers to COVID-19.</p>
Arizona	Senate Bill 1377	Retroactive to March 11, 2020	April 16, 2022 unless public health emergency is extended	<p>On April 5, 2021, Governor Ducey signed Senate Bill 1377 into law, declaring that if the Governor declares a state of emergency for a public health pandemic, a health professional or health care institution that acts in good faith is not liable for damages in any civil action for an injury or death that is alleged to be caused by the health professional's or healthcare institution's action or omission while providing health care services in support of the states response to the state of emergency declared by the governor <i>unless</i> it is proven by clear and convincing evidence that the health professional or health care institution failed to act or acted and the failure to act or action was due to that health professional's or healthcare institution's willful misconduct or gross negligence. This includes any action or omission that is alleged to have occurred during a person's screening, assessment, diagnosis or treatment that is related to the public health pandemic. Additionally, this includes any action or omission that occurs in the course of providing a person with health care services that is unrelated to the public health pandemic. An act or omission undertaken by a health professional or health care institution because of a lack of staffing, facilities, equipment, supplies or other resources that are attributable to the state of emergency and that render the health professional or health care institution unable to provide the level or manner of care to a person that otherwise would have been required in the absence of the state of emergency. A health professional or health care institution is presumed to have acted in good faith if they relied on and reasonably attempted to comply with applicable published guidance related to the public health pandemic that was issued by a federal or state agency. <i>In the case of a claim against a nursing care institution</i></p>

				<p><i>or residential care institution, where the case in question did not directly relate to the public health pandemic, the burden is on the facility to prove that the act or omission was a direct result of having to provide care to patients needing treatment for the pandemic or due to limitations in equipment, supplies or staff caused by the pandemic.</i></p> <p>On December 31, 2020, Governor Ducey issued Executive Order 2020-63, Second Renewal of Executive Order 2020-27, renewing and extending Executive Order 2020-27 until March 31, 2021. On June 29, 2020, Governor Ducey issued Executive Order 2020-42, renewing and extending Executive Order 2020-27 until December 31, 2020.</p> <p>On April 9, 2020, Governor Ducey issued Executive Order 2020-27, ordering that healthcare professionals, volunteers, Arizona Emergency Medical Care Technicians, healthcare institutions or its agents, officers, employees, representatives, or volunteers, who are in the course of providing medical services in support of the State’s public health emergency for COVID-19, are presumed to have acted in good faith and are immune from civil liability. The Order does not provide immunity for gross negligence, reckless or willful misconduct. Additionally, the Order does not provide immunity for individuals rendering medical care services while under the influence of alcohol or an intoxicating drug. The Order expires on June 30, 2020, unless otherwise extended.</p>
Arkansas	A.C.A. § 16-120-1103	April 5, 2021	May 1, 2023	<p>On September 28, 2021, Governor Hutchinson allowed the Arkansas State of Emergency to expire, but under Ar. Stat. § 16-120-1103, immunity is extended through May 1, 2023.</p> <p>On April 5, 2021, Governor Hutchinson signed HB 559 into law, declaring that a person or a person’s employee, agent, or officer is immune from civil liability for damages or injuries caused by or resulting from exposure of an individual to COVID-19 on business premises owned or operated by the person during an activity managed by the person. Immunity does not extend to willful, reckless, or intentional misconduct resulting in injury or damages to another person.</p> <p>A “person” is defined as an individual, entity, organization, group, association, partnership, business, institution of learning, commercial concern, corporation, or company, whether for profit or not for profit.</p>

			<p>On March 31, 2021, Governor Hutchinson signed Executive Order 21-07, extending Executive Order 20-52 until May 30, 2021. On February 26, 2021, Governor Hutchinson signed Executive Order 21-03, extending Executive Order 20-52 for an additional 60 days, until March 31, 2021. On December 29, 2020, Governor Hutchinson signed Executive Order 20-53, extending Executive Order 20-52 for an additional 60 days, until February 27, 2021.</p> <p>On December 21, 2020, Governor Hutchinson signed Executive Order 20-52, superseding Executive Order 20-34, and ordering that healthcare providers be immune from liability for any death, injury, or property damage alleged to have been sustained as a result of any act or omission providing emergency management functions during the public health emergency if the act or omission occurred as a result of the good faith on the part of the healthcare provider. This includes services for (a) diagnosis, prevention, or treatment of COVID-19; (b) the assessment or care of an individual with a confirmed or suspected case of COVID-19; or (c) the care of any individual who presents at a healthcare facility or to a healthcare professional during the period of COVID-19 public health emergency. Immunity does not extend to an act or omission that is willful, reckless, or intentional misconduct. Healthcare providers are also immune from liability for using any prescription drug or device to treat a known or suspected COVID-19 infection provided that: (1) prescription of the drug or device is within the scope of the healthcare provider's license; (2) the healthcare provider prescribes the drug or device in accordance with the most current recommendations of a US Government agency; and (3) the healthcare provider informs the patient of known positive and negative outcomes of the drug or device and documents that patient's informed consent to the treatment in the medical record.</p> <p>On June 15, 2020, Governor Hutchinson signed Executive Order 20-34, ordering that all healthcare providers shall be immune from liability for any death, injury, or property damage alleged to have been sustained as a result of any act or omission by such healthcare provider in the course of providing COVID related emergency management. The act or omission must be the result of a good faith effort on the part of the healthcare provider and be the direct result of a service provided to a patient for the treatment and mitigation of COVID or the symptoms of COVID during the emergency. Immunity does not extend to an act or omission that is willful, reckless, or intentional misconduct. Healthcare providers shall also be immune from liability for using any prescription drugs or device to treat a known or suspected COVID infection provided the drug or device is: within the scope of the</p>
--	--	--	---

				<p>healthcare provider's license; prescribed in accordance with the most current written recommendation of a US government agency, and the provider informs the patient of the positive and negative outcomes of the drug or device and documents the patient's informed consent to the treatment in the patient's medical record.</p> <p>On April 13, 2020, Governor Hutchinson issued Executive Order 20-18, ordering immunity from liability to physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered nurses, and licensed practical nurses for any injury or death alleged to have been sustained directly as a result of an act or omission by such medical professional in the course of providing medical services in support of the State's response to COVID-19. Immunity is not applicable where the emergency responder acts outside the scope of his or her practice or is acting in gross negligence, willful misconduct, or bad faith.</p>
California				
Colorado				
Connecticut	Executive Order No. 7V		March 1, 2021 for healthcare facilities only	<p>On February 8, 2021, Governor Lamont issued Executive Order 10A, extending Executive Order 7V to March 1, 2021, but specifically exempted healthcare facilities. Immunity remains for all individual healthcare providers under Executive Order 7V.</p> <p>On April 7, 2020, Governor Lamont issued a superseding Order, concerning the protection for civil liability for actions or omissions in support of the State's COVID-19 response, which was initially ordered in Executive Order No. 7U. The superseding Order provides that any healthcare professional or healthcare facility shall be immune from suit for civil liability for any injury or death alleged to have been sustained because of the individual's or health care facility's acts or omissions undertaken in good faith while providing health care services in support of the State's COVID-19 response, including but not limited to: acts or omissions undertaken because of a lack of resources, attributable to the COVID-19 pandemic, that renders the healthcare professional or healthcare facility unable to provide the level or manner of care that otherwise would have been required in the</p>

				<p>absence of the COVID-19 pandemic and which resulted in the damages at issue. The Order became effective immediately and for the duration of the public health and civil preparedness emergency declared on March 10, 2020, including any period of extension or renewal.</p> <p>Immunity does not extend to acts or omissions that constitute a crime, fraud, malice, gross negligence, willful misconduct, or would otherwise constitute a false claim or prohibited act under Section 4-275 et seq. of the Connecticut General Statutes or 31 U.S.C. §§3729 <i>et seq.</i></p> <p>The Order defines "healthcare professional" as any individual who is licensed, registered, permitted, or certified in any state in the United States to provide health care services and any retired professional, professional with an inactive license, or volunteer approved by the Commissioner of the Department of Public Health.</p> <p>The Order defines "health care facility" as any licensed or state-approved hospital, clinic, nursing home, field hospital, or other facility designated by the Commissioner of the Department of Public Health for temporary use to provide essential services in support of the State's COVID-19 response.</p> <p>On January 6, 2022, Governor Lamont issued Executive Orders No. 14B & No. 14C ordering that LTC workers and state hospital workers must receive COVID-19 vaccinations and that the LTC facility can be fined up to \$20,000 per day for non-compliance.</p>
Delaware				
Florida	SB 72 FL ST § 768.381	March 29, 2021	June 1, 2023	<p>On February 24, 2022 Governor DeSantis approved SB 7014, which extended COVID-19 related protections for healthcare facilities until June 1, 2023.</p> <p>On March 29, 2021, Governor DeSantis signed SB 72, providing for heightened legal protections against liability as a result of the COVID-19 pandemic for certain business entities. This includes claims against health care providers. As per the bill, in a civil action based on a COVID-19 related claim: (1) the complaint must be pled with particularity; (2) at the same time a complaint is filed, the plaintiff must submit an affidavit signed by a physician actively licensed in the state which attests to</p>

				<p>the physician's belief, within a reasonable degree of medical certainty, that the plaintiff's COVID-19 related damages, injury, or death occurred as a result of the defendant's acts or omissions. The court must then determine whether the aforementioned has been complied with. If the plaintiff has not complied with the aforementioned, then the court must dismiss the action without prejudice. The court must then determine if the defendant made a good faith effort to substantially comply with authoritative or controlling government-issued health standards or guidance at the time the cause of action accrued. During this stage, admissible evidence is limited to evidence tending to demonstrate whether the defendant made such a good faith effort. If the court determines that the defendant made such a good faith effort, the defendant is immune from civil liability. If the court determines that the defendant did not make such a good faith effort, the plaintiff may proceed with the action. However, absent at least gross negligence proven by clear and convincing evidence, the defendant is not liable for any act or omission relating to the COVID-19 related claim. The burden rests with the plaintiff to demonstrate that the defendant did not make a good faith effort. The plaintiff must commence a civil action for a COVID-19 related claim within 1 year after the cause of action accrues or within 1 year after the effective date of this act if the cause of action accrued before the effective date of this act.</p>
Georgia	SB 359	August 5, 2020	July 14, 2022	<p>On May 4, 2021, Governor Kemp signed HB112 into law, extending the Georgia COVID-19 Pandemic Business Safety Act until July 14, 2022.</p> <p>On August 5, 2020, Governor Kemp signed SB 359, also known as the Georgia COVID-19 Pandemic Business Safety Act, into law. Under the Act, no healthcare facility, healthcare provider, entity or individual shall be held liable for damages in an action involving a COVID-19 claim, except in cases of gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm.</p> <p>The Act defines a "healthcare facility" as a hospital, destination cancer hospital; or other special care unit, as defined under Georgia Code Section 31-6-2 (17). Under § 31-6-2 (17), a "special care unit" is defined to include skilled nursing facilities; intermediate care facilities; personal care homes; and rehabilitation centers. The Act defines a "healthcare provider" to mean any physician or other person licensed or otherwise authorized in the state of Georgia to furnish healthcare services.</p>

				<p>Additionally, the Act states that except in cases of gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm, where the action involves a COVID-19 liability claim against an individual or entity for transmission, infection, exposure, or potential exposure of COVID-19 to a claimant, there shall be a rebuttable presumption of assumption of risk by the claimant where receipt or proof can be shown that the individual or entity of the premises posted signage or issued a warning to the claimant that the claimant assumes the risk of contracting COVID-19 by entering the premises. The Act specifies the font and text required for the warning.</p> <p>The Act applies to causes of action accruing until July 14, 2021.</p> <p>On April 14, 2020, Governor Kemp issued an Executive Order, ordering that all employees, staff, and contractors of healthcare institutions and medical facilities shall be considered “auxiliary emergency management workers.” Under Official Code of Georgia section 38-3-35, no person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity shall be liable for personal injury or property damage. Immunity does not extend to cases of willful misconduct, gross negligence, or bad faith. The Order expires at the conclusion of the Public Health State of Emergency Order.</p> <p>Additionally, on May 12, 2020, Governor Kemp issued an Executive Order expanding the definition of “auxiliary emergency management workers” to include facilities providing home dialysis treatment, home dialysis training, support services, or any combination thereof to individuals with end-stage renal disease. Additionally, the definition was expanded to include any person who is licensed or certified to provide healthcare services in the ordinary course of business or practice of a profession. Immunity does not extend to facilities performing abortion procedures.</p> <p>On December 1, 2020, Governor Kemp issued Executive Order 11.30.20.01, renewing and extending the Public Health State of Emergency to January 8, 2021.</p> <p>On January 18, 2022, Governor Kemp issued executive order 11801 ordering that the state of emergency for COVID-19 be extended for thirty days.</p>
--	--	--	--	--

Hawaii	Executive Order No. 20-05	April 16, 2020	In effect for the emergency period, unless terminated by separate proclamation, whichever shall occur first.	<p>Governor Ige ordered that all healthcare facilities, healthcare professionals, and healthcare volunteers- that in good faith comply with all orders regarding the disaster emergency, shall be immune from civil liability for any death or injury to persons, or property damage alleged to have been caused by an act or omission by the healthcare facility, healthcare professional, and healthcare volunteer, while engaged in the course of rendering assistance in providing healthcare services during the State’s response to COVID-19. Immunity will not apply where the death or injury to persons, or property damage was caused by willful misconduct, gross negligence, or recklessness.</p> <p>The Order defines "healthcare facility" to mean any program, institution, place, building, or agency, or portion thereof, private or public, other than federal facilities or services, whether organized for profit or not, used, operated, or designed to provide medical diagnosis, treatment, nursing, rehabilitative, or preventive care to any person or persons. This includes facilities that have been established to respond to the COVID-19 outbreak.</p> <p>"Healthcare professional" means physicians and surgeons, podiatrists, dentists, psychologists, nurses, veterinarians, massage therapists, naturopathic physicians, chiropractors, occupational therapists, physical therapists, respiratory therapists, speech pathologists or audiologists, and pharmacists who are providing healthcare services at a healthcare facility in response to COVID-19 or are working under the direction of the Hawaii Emergency Management Agency or Hawaii Department of Health.</p> <p>“Healthcare volunteer” means all volunteers or medical, nursing, social work, occupational, physical, or respiratory therapist students who do not have licensure who (i) are providing services, assistance, or support at a health care facility in response to the COVID-19 outbreak and are authorized to do so; or (ii) are working under the direction of HIEMA or HDOH according to the Emergency Proclamations.</p>
Idaho	Coronavirus Limited Immunity Act	August 27, 2020	July 1, 2023	On October 15, 2021, Governor Little signed a Proclamation extending the emergency declaration until November 14, 2021. On November 12, 2021, Governor Little signed a Proclamation further extending the emergency declaration until December 12, 2021. On December 10, 2021, Governor

				<p>Little signed a Proclamation further extending the emergency declaration until January 10, 2022.</p> <p>On May 11, 2021, Governor Little signed House Bill 394, amending the Coronavirus Limited Immunity Act to state that if an emergency continues to be declared to exist after July 1, 2021, immunity extends on and after July 1, 2021. On September 17, 2021, Governor Little extended the declaration of emergency until October 17, 2021. On August 17, 2021, Governor Little extended the declaration of emergency until September 17, 2021. On March 19, 2021, Governor Little signed House Bill 149, extending the Coronavirus Limited Immunity Act to July 1, 2021.</p> <p>On March 19, 2021, the Sixty-Sixth Idaho Legislature signed House Bill No. 149 extending the session laws of the 2020 First Extraordinary Session to extend a sunset date to July 1, 2022.</p> <p>On August 27, 2020, Governor Little signed the Coronavirus Limited Immunity Act, which states that a person is immune from civil liability for damages or an injury resulting from exposure of an individual to coronavirus. Immunity does not extend to acts or omissions that constitute an intentional tort or willful or reckless misconduct.</p> <p>A “person” is defined as any entity recognized by the state of Idaho, including but not limited to: an individual, corporation, limited liability company, partnership, trust, association, church or religious organization, city, county, school district, college, university, or other institution of higher education, or other units of local government. Furthermore, “person” is defined to not include: any Idaho public health district; the federal government or any of its agencies; the state of Idaho or any of its agencies, except colleges, universities, and other institutions of higher education; or any foreign government or foreign jurisdiction.</p> <p>On January 18, 2022, Idaho House Bill No. 444 was introduced which would extend the coronavirus limited immunity act until July 1, 2023.</p>
Illinois				<p>On April 1, 2020, Governor Pritzler issued Executive Order 2020-19, which established immunity from civil liability for health care facilities, professionals, and volunteers for any injury or death alleged to have been caused by any act or omission in the course of assisting the State by providing services, assistance, or support in response to the COVID-19 outbreak, unless it is established that</p>

				<p>such injury or death was caused by the willful misconduct of such facility, professional, or volunteer.</p> <p>On April 30, 2020, Executive Order 2020-19 was amended by Executive Order 2020-33 and reissued. The amendment issued by Governor Pritzker extended immunity from civil liability through May 29, 2020. Additionally, the amendment included licensed supportive living facilities and assisted living establishments in the definition of “health care facilities.”</p> <p>On May 13, 2020, Executive Order 2020-33 was amended by Executive Order 2020-37 and reissued. The amendment issued by Governor Pritzker ordered the following:</p> <p>“Hospital” is defined as any facility licensed or approved by the state to be a hospital.</p> <p>“Health care facility” is defined as any State agency licensed, certified, or approved, including:</p> <ul style="list-style-type: none"> ➤ Ambulatory surgical treatment center; ➤ Skilled and intermediate long term care facility licensed under the Nursing Home Care Act and ID/DD Community Care Act or MC/DD Act; ➤ Facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013; ➤ Hospitals, nursing homes, or kidney disease treatment centers maintained by the State; ➤ Postsurgical recovery care centers; ➤ Children's community-based health centers; ➤ Community based residential rehabilitation centers; ➤ Emergency Medical Services (EMS); ➤ Department of Veteran Affairs; ➤ State-operated Developmental Centers and Mental Health Centers; ➤ Licensed community-integrated living arrangements; ➤ Licensed Community Mental Health Centers; ➤ Federally qualified health centers; ➤ Alternate Care Facilities licensed by IDPH; ➤ Supportive living facilities; and ➤ Assisted living establishments and shared housing establishments. <p>“Health care professional” means all licensed or certified health care workers or emergency medical</p>
--	--	--	--	---

				<p>services personnel who are providing health care services at a hospital or health care facility in response to COVID.</p> <p>“Health care volunteer” means all volunteers or medical or nursing students who do not have licensure who are providing services, assistance, or support at a hospital or health care facility in response to COVID.</p> <p>Hospitals and health care facilities are considered to be "rendering assistance" in support of the State's response to COVID, only if the hospital or facility is:</p> <ul style="list-style-type: none"> ➤ Increasing the number of beds; ➤ Preserving and properly employing personal protective equipment; ➤ Conducting widespread testing; ➤ Taking necessary steps to provide medical care to patients with COVID-19 and to prevent further transmission of COVID-19; ➤ Accepting a transfer of a COVID-19 patient from another hospital that does not have the capacity or capability necessary to provide treatment for a COVID patient; ➤ For hospitals conducting elective surgeries or procedures, “rendering assistance” in support of the State’s response must also include compliance with IDPH’s current guidance on conducting elective surgeries and procedures; ➤ Health care facilities, “rendering assistance” must also include, consistent with current guidelines and recommendations from IDPH (1) conducting widespread testing of residents and widespread and regular testing of staff for COVID-19, and (2) accepting COVID-19 patients upon transfer or discharge from a hospital or health care facility. <p>Hospitals that continue to cancel or postpone all elective surgeries or procedures to respond to the COVID-19 outbreak, or health care professionals providing service in such a hospital, shall be immune from civil liability for any injury or death alleged to have been caused by any act or omission by the hospital or health care professional, which injury or death occurred at a time when a Hospital or Health Care Professional was assisting the State in response to the COVID-19 outbreak by providing health care services consistent with current guidance issued by IDPH.</p>
--	--	--	--	--

				<p>Additionally, hospitals and health care professionals that conduct elective surgeries or procedures beginning on or after May 11, 2020, shall be immune from civil liability for any injury or death relating to the diagnosis, transmission, or treatment of COVID-19 alleged to have been caused by any act or omission, which injury or death occurred at a time when a hospital or health care professional was assisting the State in response to the COVID-19 outbreak by providing health care services consistent with current guidance issued by IDPH.</p> <p>Health care facilities or health care professionals providing services in a health care facility shall be immune from civil liability for any injury or death relating to the diagnosis, transmission, or treatment of COVID-19 alleged to have been caused by any act or omission by the health care facility or professional, which injury or death occurred at a time when a healthcare facility or professional was assisting the State in response to the COVID-19 outbreak by providing health care services consistent with current guidance issued by IDPH.</p> <p>Any health care volunteer shall be immune from civil liability for any injury or death alleged to have been caused by any act or omission by such volunteer, which injury or death occurred at a time when the volunteer was assisting the State in response to the COVID-19 outbreak by providing services, assistance, or support consistent with current guidance issued by IDPH.</p> <p>Immunity does not extend where it is established that injury or death was caused by gross negligence or willful misconduct.</p> <p>On May 29, 2020, Governor Pritzker issued Executive Order 2020-39, thereby extending Executive Order 2020-37 until June 27, 2020. Since June 27, 2020, Executive Order 2020-37 has not been further extended.</p>
Indiana	Senate Enrolled Act 1	February 18, 2020	December 31, 2024 Immunity for healthcare workers giving	<p>On April 29, 2021, Governor Holcomb signed House Bill 1002 into law, amending IC-34-30-32, clarifying the definition of “arising from COVID-19” to mean an injury or harm caused by or resulting from the actual, alleged, or possible exposure to or contraction of COVID-19; or services, treatment, or other actions performed for COVID-19. This includes the implementation of policies and procedures to prevent or minimize the spread of COVID-19 and reallocate or procure staff or resources for COVID-19; testing in response to COVID-19; using PPE; closing or partially closing to</p>

			<p>COVID vaccines <u>ended March 4</u>, but general immunity under Senate Enrolled Act 1</p>	<p>prevent or minimize the spread of COVID-19; or providing services or products in response to government appeal or repurposing operations to address the urgent need for PPE, sanitation products or other products necessary to protect the public health. Additionally, the definition was expanded to include an injury or harm that is caused by or resulting from an act or omission performed in response to the state disaster emergency and arising from COVID-19.HB1002 prohibits bringing a class action against a covered entity for loss or damages arising from COVID-19 in a contract, implied contract, quasi-contract or unjust enrichment claim. Additionally, the retroactive and expiration date of the immunity provision was amended.</p> <p>On February 18, 2021, Governor Holcomb signed Senate Enrolled Act 1 into law, amending various parts of the Indiana Code to collectively allow for a new chapter to be added. IC 34-30-32 is now added to the Code, allowing for immunity-related to COVID-19. The chapter only applies to a tort action that accrues on or after March 1, 2020. Under the section, a person is immune from civil tort liability for damages arising from COVID, and supplements the Indiana Tort Claims Act (IC-34-13-3) and the Indiana Malpractice Act (IC 34-18).</p> <p>Governor Holcomb declared a public health disaster emergency, attributable to COVID-19, through his declaration in Executive Order 20-02. This declaration invoked immunity for persons providing services in a disaster, under Chapter 13.5 of the Indiana Code. Section 34-30-13.5-1 states that any person who has a license to provide healthcare services under Indiana law or the law of another state, or who provides a healthcare service, may not be held civilly liable for an act or omission relating to the provision of healthcare services in response to an event that is declared a disaster emergency under IC 10-13-3-12, regardless of whether the provision of healthcare services occurred before or after the declaration of the disaster emergency. A person is not immune from civil liability if the damages resulting from the act or omission, relating to the provision of the healthcare services, resulted from the person's gross negligence or willful misconduct. A facility or other location providing healthcare services is also civilly immune under section 34-30-13.5-3. Indiana State Department of Health Guidance Concerning Liability.</p> <p>Governor Holcomb signed Executive Order 21-32 which expires on January 1, 2022 and affords healthcare providers providing vaccines with PREP Act immunity. This Order modifies EO 21-17; specifically, it rescinds all directives in EO 21-17 except for five directives listed in EU 21-32.</p>
--	--	--	--	---

				<p>Notably, the fourth directive is an “expansion of those permitted to administer COVID-19 vaccinations and PREP Act immunity for those providing vaccinations, which is in alignment with federal declarations and guidance.”</p> <p>Governor Holcomb extended the public health disaster emergency in Executive Order 20-02 until February 1, 2022.</p> <p>Governor Holcomb extended the public health disaster emergency in Executive Order 20-02 until March 4, 2022.</p> <p>Governor Holcomb extended Executive Order 21-32 (stated above) until March 4, 2022.</p>
Iowa	Senate File 2338	Retroactive to January 1, 2020	Continued unless explicitly ended due to Iowa Code section 135.147	<p>Senate File 2338 states that a healthcare provider shall not be liable for civil damages for causing or contributing, directly or indirectly, to the death or injury of an individual as a result of the healthcare provider’s acts or omissions while providing or arranging health care in support of the state’s response to COVID. Immunity does not extend where the act or omission constitutes recklessness or willful misconduct.</p> <p>The Act defines a “healthcare provider” as a healthcare professional, healthcare facility, home healthcare facility, and any other person or facility otherwise authorized or permitted by any federal or state statute, regulation, order, or public health guidance to administer healthcare services or treatment.</p> <p>On April 9, 2020, The Director of the Iowa Department of Public Health issued PPE Shortage Order, stating that Iowa law contains immunity provisions protecting persons, corporations, and other legal entities, who provide medical care or assistance in good faith under the direction of the Department of Public Health during a public health disaster. Iowa Code § 135.147. Immunity did not extend in cases constituting recklessness. On March 9, 2020, Governor Reynolds issued a Public Health Disaster Emergency Proclamation.</p> <p>On January 7, 2022, Governor Reynolds extended the state of emergency until February 6, 2022 in Proclamation P22-02</p>

				On February 3, 2022, Governor Reynolds issued proclamation P22-03 declaring that the public health emergency declaration will end on February 15, 2022.
Kansas	House Bill 2126	Retroactive to March 12, 2020	January 20, 2023	<p>On April 9, 2021, Governor Kelly signed House Bill 2126 into law, amending K.S.A. 2020 Supp. 60-550, adding that a covered facility is immune from liability in a civil action for damages for a COVID-19 claim if such facility was in substantial compliance with public health directives applicable to the activity giving rise to the cause of action when the cause of action accrued. Immunity does not apply when it is established that the act, omission or decision giving rise to the cause of action constituted gross negligence or willful, wanton or reckless conduct. Covered facilities include adult care homes.</p> <p>On March 31, 2021, Governor Kelly signed Senate Bill 283 into law, amending K.S.A. 2020 Supp. 60-5503 to state that a healthcare provider is immune from civil liability for damages, administrative fines, or penalties for acts, omissions, healthcare decisions or the rendering of or failure to render healthcare services, including services that are altered, delayed or withheld, as a direct response to the COVID-19 public health emergency. Immunity does not extend where it is established that the act, omission or healthcare decision constituted gross negligence or willful, wanton or reckless conduct. Additionally, immunity does not extend to healthcare services not related to COVID-19 that have been altered, delayed or withheld as a direct response to the COVID-19 public health emergency.</p> <p>House Bill 2016: <i>Effective June 10, 2020</i>. Bill provides that a healthcare provider is immune from civil liability for damages, administrative fines or penalties for acts, omissions, healthcare decisions, or the rendering of or the failure to render healthcare services, including services that are altered, delayed, or withheld, as a direct response to any state of disaster emergency. Immunity does not apply where it is established that the act, omission, or healthcare decision constitutes gross negligence or willful, wanton, or reckless conduct. The Bill has provided immunity to healthcare providers and an affirmative defense to adult care facilities (defined as nursing facilities, assisted living facilities, and residential health facilities).</p> <p>On April 22, 2020, Governor Kelly issued Executive Order No. 20-26, declaring that all healthcare</p>

			<p>providers making clinical and triage decisions and rendering assistance, testing, care, or advice in the care of patients reasonably suspected or confirmed to be infected with COVID-19, shall be deemed immune from suit for personal injury or property damage. Immunity does not extend where it is established that any adverse event or injury was caused by the willful misconduct, gross negligence, recklessness, or bad father of such facility or healthcare provider. The Order expired on May 31, 2020.</p> <p>"Healthcare provider" means a person any person licensed to practice any branch of the healing arts by the state board; a licensed medical care facility, podiatrist, health maintenance organization, optometrist, pharmacist, registered nurse anesthetist, physician assistant, and advanced practice registered nurse; professional corporations, limited liability company, partnership, or not-for-profit corporation organized to render professional services by persons who are healthcare providers; licensed psychiatric hospital or mental health center or mental health clinic; nursing facility assisted living facility or residential healthcare facility. (KSA 40-3401)</p> <p>The Order also defined "healthcare provider" to include registered nurses, advanced practice registered nurses, licensed practical nurses, pharmacists, unlicensed volunteers, military personnel, or students and other support personnel.</p> <p>On February 9, 2022, House Bill 2652 was introduced which amends 60-5503 (providing immunity to healthcare providers) to extend to January 20, 2023.</p>
--	--	--	---

Kentucky	Senate Bill 5	Retroactive to March 6, 2020	December 31, 2023	<p>On April 11, 2021, Senate Bill 5 became law declaring that any essential service provider during the declared emergency of the COVID-19 pandemic will not be liable for any COVID-19 claim. Liability is limited for gross negligence, or wanton, willful, malicious, or intentional misconduct. Essential service providers are defined to include health care providers. Under KRS 216B.015, health care providers include nursing homes. Additionally, under KRS 194A.700, health care providers include assisted living facilities.</p> <p>On March 30, 2021, Governor Beshear signed Senate Bill 150 into law, which includes a provision affording a defense to civil liability to health care providers who in good faith render care or treatment to a COVID-19 patient during the state of emergency. This defense to civil liability applies to ordinary negligence for any personal injury resulting from said care or treatment, or from any act or failure to act in providing or arranging further medical treatment if the healthcare provider acts as an ordinary, reasonable, and prudent healthcare provider would have acted under the same or similar circumstances.</p>
Louisiana	Senate Bill No. 491	Retroactive to March 11, 2020	March 16, 2022	<p>On June 6, 2020, Governor Edwards signed Senate Bill No. 491, providing limits on the liability of persons who provide relief or recovery equipment or services during a declared state of emergency. First, the bill amends and reenacts Louisiana Revised Statutes Section 29.735.3.1(A) declaring that volunteers who render disaster relief, recovery services, or products in coordination with the state shall not be liable for any injury or death to a person or any damage to property resulting therefrom, except in the event of gross negligence or willful misconduct. Additionally, the bill reenacts Louisiana Revised Statutes Section 29.735.3.2 declaring that any person who renders disaster relief, recovery services, or products outside of the typical course and scope of their operation, under federal or state guidelines, shall not be liable to the recipient for any injury or death to a person or any damage to property resulting therefrom, except in the event of gross negligence or willful misconduct.</p> <p>On March 11, 2020, Governor Edwards issued Proclamation Number 25 JBE 2020, invoking the Louisiana Health Emergency Powers Act. Section 29:771(c) of the act provides that "during a state of a public health emergency, any health care providers shall not be civilly liable for causing the death of, or, injury to, any person or damage to any property except in the event of gross negligence or willful misconduct."</p>

				<p>Section 29:762(4) of the Act defines a health care provider as any “clinic, person, corporation, facility, or institution which provides healthcare or professional services by a physician, dentist, registered or licensed practical nurse, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, psychologist, or psychiatrist, and any officer, employee, or agent thereof acting in the course and scope of his service or employment.”</p> <p>The state of emergency and invoking of the Louisiana Health Emergency Powers Act continues to remain in effect, currently set to expire on August 11, 2021. (132 JBE 2021).</p> <p>On January 11, 2022, Governor Edwards issued Proclamation 3 JBE 2022 extending the state of emergency until February 10, 2022.</p> <p>On January 19, 2022, Governor Edwards issued Proclamation Number 7 JBE 2022 extending the emergency provisions due to COVID-19, and specifically states, among other things:</p> <p>“Louisiana state licensure laws, rules, and regulations for medical professionals and personnel hereby remain suspended for those medical professionals and personnel from other states or other countries offering medical services in Louisiana to those needing medical services as a result of this disaster provided that said out-of-state or out-of-country medical professionals and personnel possess a current medical license in good standing in their respective state or country of licensure and that they practice in good faith and within the reasonable scope of his or her skills, training, or ability.</p> <p>No healthcare professional licensing board shall issue an adverse action or penalty against an individual applicant or licensee under the jurisdiction of that board for the failure of that applicant or licensee for failure to comply with a procedural licensing requirement during the declared public health emergency, provided that the individual applicant or licensee made a good faith attempt to comply with the procedural requirements of the licensing board.”</p> <p>On February 9, 2022, Governor Edwards issued Proclamation 17 JBE 2022 which extended the state of emergency through March 16, 2022.</p>
--	--	--	--	--

Maine				
Maryland	Maryland Public Safety Section 14-3A-06	March 5, 2020	Until emergency proclamation ends (ended 2/3/2022)	<p>No formal Executive Order declaring civil immunity from the Governor of Maryland but Maryland Code, Public Safety, section 14-3A-06 states that a healthcare provider is immune from civil or criminal liability if the health care provider acts in good faith under a catastrophic health emergency proclamation. On March 5, 2020, Governor Hogan declared a State of Emergency and Existence of Catastrophic Health Emergency. Governor Hogan's Proclamation Emergency Covid.</p> <p>Maryland Public Safety section 14-3A-01(e) states that "health care provider" means any "health care facility" or "healthcare practitioner" as defined in Maryland Code Health General section 19-114 and any individual licensed or certified as an emergency medical service provider.</p> <p>Maryland Code Health General section 19-114, defines a "health care facility" as a hospital, limited-service hospital, ambulatory surgical facility, inpatient facility organized primarily to help in the rehabilitation of disabled individuals, home health agency, hospice, freestanding medical facility, and any other health institution, service or program for which requires a certificate of need. Additionally, "health care practitioner" means any individual who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services.</p> <p>"Health care facility" does not include: a hospital or related institute operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts, a facility located on the campus of a continuing care community (fee paid according to an agreement for an independent living unit or assisted living unit) where the number of comprehensive care nursing beds in the community does not exceed: 24% of the number of independent living units in a community having less than 300 independent living units; or 20% of the number of independent living units in a community having 300 or more independent living units, any facility that provides VA care, a kidney disease treatment facility, or the office or one or more individuals licensed to practice dentistry. A "health care practitioner" does not include any law enforcement officer or any member of any fire department, ambulance company, or rescue squad.</p> <p>Governor Hogan terminated the state of emergency effective February 3, 2022.</p>

Massachusetts	Bill S.2640	March 10, 2020	State of Emergency expired June 15, 2021	<p>On April 16, 2020, Senate Bill 2640 was passed, declaring that health care professionals and health care facilities shall be immune from suit and civil liability for any damages alleged to have been sustained by an act or omission by the health care professional and health care facility, in the course of providing health care services during the COVID-19 emergency; provided that (i) the health care facility or health care professional is arranging for or providing health care services according to a COVID-19 emergency rule and under otherwise applicable law; (ii) arranging for or providing care or treatment of the individual was impacted by the health care facility's or health care professional's decisions or activities in response to treatment conditions resulting from the COVID-19 outbreak or COVID-19 emergency rules, and (iii) the health care facility or health care professional is arranging for or providing health care services in good faith.</p> <p>Immunity is not applicable where there is a finding of gross negligence, recklessness, or conduct with an intent to harm or to discriminate based on race, ethnicity, national origin, religion, disability, sexual orientation, or gender identity by a healthcare facility or health care professional providing health care service. This also applies to volunteer organizations.</p> <p>A "healthcare professional" is defined as any licensed or certified provide health care services by the board of medicine, nursing, respiratory care, nursing home administrators, pharmacy, physician assistants, allied health professionals, allied mental health and human services professions, social workers or the board of registration of psychologists; (ii) a student or trainee in their approved medical professional services academic training program; (iii) a nursing attendant or certified nursing aide, including an individual who is providing care as part of the individual's approved nursing attendant or certified nurse aide training program; (iv) certified, accredited or approved under chapter 111C of the General Laws to provide emergency medical services; (v) a nurse or home health aide employed by home health agency that participates in Medicare; (vi) providing health care services within the scope of authority or license permitted by a COVID-19 emergency rule; or (vii) a healthcare facility administrator, executive, supervisor, board member, trustee or other person responsible for directing, supervising or managing a healthcare facility or its personnel.</p> <p>"Health care facility", (i) hospitals, including acute and chronic disease rehabilitation hospitals; (ii) state hospitals, mental health centers and other mental health facilities under the control of the department of mental health; (iii) hospitals operated by the department of public health; (iv)</p>
---------------	-----------------------------	----------------	---	--

				<p>psychiatric hospitals; (v) skilled nursing facilities; (vi) assisted living residences; (vii) rest homes; (viii) community health centers; (ix) home health agencies that participate in Medicare; (x) clinics; or (xi) sites designated by the commissioner of public health to provide COVID-19 health care services, including, but not limited to, step-down skilled nursing facilities, field hospitals, and hotels.</p> <p>On April 8, 2020, Governor Baker issued a directive, exercising his powers as an “Authority Having Jurisdiction” and designated specific activities to which PREP applies.</p> <p>The directive covers the following activities:</p> <ul style="list-style-type: none"> a. The prescription, administration, delivery, distribution, or dispensing of Covered Countermeasures by a Health Care Professional for the treatment, diagnosis, prevention, and mitigation of COVID-19; and b. The prescription, administration, delivery, distribution, or dispensing of Covered Countermeasures as part of any program established, supervised, or administered by a Health Care Facility for the treatment, diagnosis, prevention, or mitigation of COVID-19 or as part of the Commonwealth’s response to the COVID-19 outbreak. This designation shall include authorization for the activities of Program Planners who supervise and administer such programs. <p>The directive defines “Health Care Professionals” to include any licensed, registered, or certified health care or emergency worker, including supervised students and trainees, so long as they are providing health care services in response to the COVID-19 pandemic or are working under the direction of the Massachusetts Emergency Management Agency or the Massachusetts Department of Public Health in response to the state of emergency.</p> <p>The term “Health Care Facility” is even more broadly defined, to include state and private hospitals, psychiatric hospitals, skilled nursing facilities, assisted living homes, rest homes, community health centers, certain home health agencies, and any other site designated by the Commissioner of Public Health to provide COVID-19 health care services.</p> <p>The directive does not override other PREP Act requirements and applicability. Accordingly,</p>
--	--	--	--	--

				<p>products distributed in the state according to a federal contract would receive PREP Act immunity even if they fell outside of the scope of this directive, so long as they satisfied all of the other criteria listed in the Act. Furthermore, liability immunity does not apply to acts of “willful misconduct,” which is defined as any act or omission that is taken 1) intentionally to achieve a wrongful purpose; 2) knowingly without legal or factual justification, and 3) in disregard of a known or obvious risk that is so great as to make it highly probable that the harm will outweigh the benefit.</p> <p>The directive is effective as of March 10, 2020.</p> <p>On January 20, 2022, House Bill No. 4345 was introduced which provides “health care professionals and health care facilities shall be immune from suit and civil liability for any damages alleged to have been sustained by an act or omission by the health care professional or health care facility in the course of providing health care services during the outbreak of COVID-19; provided, however, that: (i) the health care facility or health care professional is arranging for or providing health care services pursuant to a COVID-19 rule and in accordance with otherwise applicable law; (ii) arranging for or providing care or treatment of the individual was impacted by the health care facility’s or health care professional’s decisions or activities in response to treatment conditions resulting from the outbreak of COVID-19 or COVID-19 rules; and (iii) the health care facility or health care professional is arranging for or providing health care services in good faith.”</p> <p>It also provides: “The immunity provided in subsection (b) shall not apply: (i) if the damage was caused by an act or omission constituting gross negligence, recklessness or conduct with an intent to harm or to discriminate based on race, ethnicity, national origin, religion, disability, sexual orientation or gender identity by a health care facility or health care professional providing health care services; (ii) to consumer protection actions brought by the attorney general; or (iii) to false claims actions brought by or on behalf of the commonwealth.”</p> <p>On February 14, 2022, House Bill No. 4345 (above) was adopted. It states:</p> <p>“Notwithstanding any general or special law to the contrary, except as provided in subsection (c), health care professionals and health care facilities shall be immune from suit and civil liability for any damages alleged to have been sustained by an act or omission by the health care professional or health care facility in the course of providing health care services during the outbreak of COVID-19;</p>
--	--	--	--	---

				<p>provided, however, that: (i) the health care facility or health care professional is arranging for or providing health care services pursuant to a COVID-19 rule and in accordance with otherwise applicable law; (ii) arranging for or providing care or treatment of the individual was impacted by the health care facility's or health care professional's decisions or activities in response to treatment conditions resulting from the outbreak of COVID-19 or COVID-19 rules; and (iii) the health care facility or health care professional is arranging for or providing health care services in good faith.”</p> <p>Governor Baker allowed the state of emergency to expire on June 15, 2021.</p>
Michigan	HB 6159		<p>Immunity only applies for cases arising between 3/29/2020 and 7/14/2020</p>	<p>On October 20, 2020, Governor Whitmer signed HB 6159 into law, granting health care providers and health care facilities, providing health care services in support of the state’s response to COVID, immunity from liability for an injury or death, sustained by an individual because of those services, regardless of who and under what circumstances, or by what cause those injuries were sustained. Immunity does not extend to services that constitute willful misconduct, gross negligence, intentional and willful criminal misconduct, or intentional infliction of harm by the health care provider or health care facility. Immunity applies retroactively, and applies on or after March 29, 2020 and before July 14, 2020.</p> <p>On July 13, 2020, Governor Whitmer issued Executive Order 2020-150, rescinding Executive Order 2020.61, which provided health care professionals and designated health care facilities with immunity from civil liability for injuries sustained during the state’s response to the COVID-19 pandemic.</p> <p>On April 26, 2020, Governor Whitmer issued Executive Order 2020.61, rescinding Executive Order 2020.30, and ordering that consistent with MCL 30.411(4), any licensed health care professional or designated health care facility that provides medical services in support of the state’s response to the COVID-19 pandemic is not liable for an injury sustained by a person or reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained, unless it is established that such injury or death was caused by the gross negligence. This Order remains in effect through the end of the declared emergency.</p> <p>March 30, 2020-April 26, 2020- Executive Order 2020.30 was in effect and ordered that any</p>

				licensed health care professional or designated health care facility that provides medical services in support of the State's response to the COVID-19 pandemic is not liable for an injury sustained by a person because of those services, regardless of how or under what circumstances or by what causes those injuries are sustained unless it is established that such injury or death was caused by the gross negligence of such health care professional or designated health care facility. Additionally, the order permits nurses, pharmacists, and physician assistants to provide medical services appropriate to the professional's education, training, and experience without physician supervision and without criminal, civil, or administrative penalty relating to a lack of such supervision.
Minnesota				On February 17, 2022, Minnesota introduced Bill No. 3235 which provides "Immunity from civil liability. Notwithstanding any law to the contrary, a prescriber or pharmacist is immune from civil liability for damages, administrative fines, or penalties for acts, omissions, health care decisions, or the rendering of or the failure to render health care services if the prescriber or pharmacist is acting pursuant to this section." The Section is related to prescribing and dispensing of drugs for off-label use for the prevention and treatment of COVID-19 authorization.
Mississippi	Senate Bill 3049	Retroactive to March 14, 2020	One year after the end of the COVID-19 state of emergency	<p>On November 20, 2021, Governor Reeves allowed the COVID state of emergency to expire. Any immunity for healthcare workers and facilities will therefore end on November 20, 2022.</p> <p>On July 8, 2020, Governor Reeves signed Senate Bill 3049, declaring that any healthcare professional or healthcare facility shall be immune from suit for any injury or death, directly or indirectly, sustained because of the healthcare professional's or healthcare facility's act or omissions while providing healthcare services related to a COVID-19 state of emergency. The immunity includes but is not limited to injury or death resulting from screening, assessing, diagnosing, or treating persons in relation to the COVID-19 state of emergency or the medical conditions causing the COVID-19 state of emergency, or acts or omissions while providing healthcare services to persons unrelated to the COVID-19 state of emergency when those acts or omissions were intended to support the state's response to COVID-19.</p> <p>On April 10, 2020, Governor Reeves issued Executive Order No. 1471, ordering that any healthcare professional or healthcare facility, absent a showing of malice, reckless disregard, or</p>

				<p>willful misconduct, shall be immune from suit for civil liability for any injury or death alleged to have been sustained because of the healthcare professional's or healthcare facility's acts or omissions while providing healthcare services in support of the State's COVID-19 response.</p> <p>"Healthcare Facility" is defined as any licensed or state-approved hospital, clinic, nursing home, mental health centers, field hospital, or any other facility designed by MSDH or MEMA for temporary use for purposes of providing healthcare services in support of the State's COVID-19 response.</p> <p>"Healthcare Professional" is defined as any individual who is licensed, registered, permitted, or certified in any state in the United States to provide healthcare services, paid or unpaid or any volunteer approved by MSDH or MEME who is providing healthcare services in response to the COVID-19 outbreak.</p> <p>Executive Order No. 1471 expired on May 15, 2020. On May 15, 2020, Governor Reeves issued Executive Order No. 1485, extending Executive Order No. 1471 until May 31, 2020. On May 29, 2020, Governor Reeves issued Executive Order No. 1494, extending Executive Order No. 1471 until June 15, 2020. On June 12, 2020, Governor Reeves issued Executive Order No. 1497, extending Executive Order No. 1471 until July 1, 2020.</p>
Missouri	SB51	Retroactive to on or after December 1, 2019	Before the later of October 1, 2024, or the date on which there is no state of emergency declared	<p>On January 6, 2022 Governor Parson ended the COVID state of emergency in Missouri. Immunity therefore expires on October 1, 2024.</p> <p>On July 7, 2021, Governor Michael Parson signed SB51 into law providing that no healthcare provider shall be liable in any COVID-19 exposure action <i>unless</i> the plaintiff can prove by clear and convincing evidence that:</p> <ul style="list-style-type: none"> (1) The health care provider engaged in recklessness or willful misconduct; and (2) The alleged harm, damage, breach, or tort resulting in the personal injury was caused by the alleged recklessness or willful misconduct. <p>The Bill additional provides that: "A health care provider, as defined in the act, shall not be liable in a COVID-19 medical liability action, as defined in the act, unless the plaintiff can prove recklessness</p>

				<p>or willful misconduct by the health care provider and that the personal injury was caused by such recklessness or willful misconduct. An elective procedure that is delayed for good cause shall not be considered recklessness or willful misconduct. A COVID-19 medical liability action may not be commenced in any Missouri court later than one year after the date of the discovery of the alleged harm, damage, breach, or tort unless tolled for proof of fraud, intentional concealment, or the presence of a foreign body which has no therapeutic or diagnostic purpose or effect.”</p> <p>A “COVID-19 medical liability action” is defined as a civil action:</p> <ul style="list-style-type: none"> (a) Brought by a person who suffered personal injury, or a representative of a person who suffered personal injury; (b) Brought against a healthcare provider; and (c) Alleging any harm, damage, breach, or tort resulting in the personal injury alleged to have been caused by, arising out of, or related to a health care provider’s act or omission in the course of arranging for or providing COVID-19 related health care services if such health care provider’s decisions or activities with respect to such person are impacted as a result of COVID-19. <p>“COVID-19 related health care services” defined as: any act or omission by a health care provider, regardless of the location, that relates to:</p> <ul style="list-style-type: none"> (a) The diagnosis, prevention, or treatment of COVID-19; (b) The assessment or care of an individual with a confirmed or suspected case of COVID-19; or (c) The care of any individual who is admitted to, presents to, receives services from, or resides at, a health care provider for any purpose if such health care provider’s decisions or activities with respect to such individual are impacted as a result of COVID-19.
Montana	HB435	May 14, 2021	January 1, 2031	<p>On May 14, 2021, Governor Gianforte signed HB435 into law, providing that healthcare providers are not liable for civil damages for causing or contributing, directly or indirectly, to the death or injury of an individual as a result of the healthcare provider’s acts or omissions while providing or arranging health care in support of COVID-19. Immunity does not extend if the health care provider caused the death or injury of an individual through an act or omissions that constitutes gross negligence, willful and wanton misconduct, or an intentional tort. Immunity extends to:</p> <ul style="list-style-type: none"> • Injury or death resulting from screening, assessing, diagnosing for off-label use to treat a

				<p>patient with a suspected or confirmed case of COVID-19;</p> <ul style="list-style-type: none"> • Prescribing, administering, or dispensing a pharmaceutical for off-label use to treat a patient with a suspected or confirmed case of COVID-19; or • Acts or omissions while providing healthcare to individuals with a condition unrelated to COVID-19 when those acts or omissions support the response to COVID-19. <p>The act outlines affirmative defenses- reasonable measures consistent with regulations, orders, and public health guidance. The act terminates on December 31, 2031.</p> <p>On February 10, 2021, Governor Gianforte signed SB0065 into law, providing healthcare providers with immunity from civil liability for causing, contributing, directly or indirectly, to the death or injury of an individual as a result of the healthcare provider's acts or omissions while providing or arranging healthcare support in response to COVID-19. Immunity does not extend to acts or omissions that constitute gross negligence, willful and wanton misconduct, or intentional torts. Additionally, the legislation provides that in addition to all other defenses, a person may assert as an affirmative defense that the person took all reasonable measures consistent with a federal or state statute, regulation, order, or public health guidance related to COVID-19 that was applicable to the person or activity at issue at the time of the alleged injury, death, or property damage. SB0065 expires January 1, 2031.</p>
Nebraska	Legislative Bill 139	May 26, 2021	Continuing in accordance with the state of emergency	<p>On June 30, 2021, Governor Ricketts ended the COVID state of emergency.</p> <p>On May 26, 2021, Governor Ricketts approved Legislative Bill 139, also known as the COVID-19 Liability Act. The act states that a person may not bring a civil action seeking recovery for injuries or damages sustained from exposure or potential exposure to COVID if the act or omissions alleged to violate a duty of care was in substantial compliance with any federal public health guidance that was applicable to the person, place or activity at issue at the time of the alleged exposure or potential exposure.</p>
Nevada	Declaration of Emergency	April 1, 2020	The Declaration remains in	Governor Sisolak ordered that all providers of medical services related to COVID-19, performing services for emergency management, at the request of the State shall be afforded immunities and

	Directive 011		effect until specifically modified or terminated by a subsequent declaration.	protections outlined in NRS section 414.110. Immunity is not afforded in cases of willful misconduct, gross negligence, or bad faith. Section 1 of Governor Sisolak’s Declaration defines “provider of medical services,” to include without limitation: “medical doctors, physician assistants, nurse practitioners, advanced practice registered nurses, registered nurses, licensed practical nurses, emergency medical technicians, advanced emergency medical technicians, respiratory care practitioners, paramedics, pharmacists, pharmacy technicians, medical students, nursing students, medical laboratory directors, or technicians, and licensed or certified behavioral health professionals.” Additionally, Section 6 allows a provider of medical services to “practice outside the scope of their specialization, within the limits of their competency, to the extent necessary to augment and bolster Nevada’s healthcare system” during this crisis.
New Hampshire	Attorney General Opinion No. 2020-01			<p>On May 28, 2021, Governor Sununu issued Executive Order 2021-10, extending Executive Order 2020-04 until June 11, 2021. On May 7, 2021, Governor Sununu issued Executive Order 2021-08, extending Executive Order 2020-04 until May 28, 2021. On April 16, 2021, Governor Sununu issued Executive Order 2021-06, extending Executive Order 2020-04 until May 7, 2021. On March 26, 2021, Governor Sununu issued Executive Order 2021-05, extending Executive Order 2020-04 until April 16, 2021. On March 5, 2021, Governor Sununu issued Executive Order 2021-04, extending Executive Order 2020-04 until March 26, 2021. On February 12, 2021, Governor Sununu issued Executive Order 2021-2, extending Executive Order 2020-04, and all emergency orders until March 5, 2021.</p> <p>On April 22, 2020, at the request of the New Hampshire Department of Health and Human Services, Attorney General MacDonald issued an advisory opinion regarding whether acute care hospitals, assisted living facilities, long term care facilities, nursing facilities, residential care facilities, or any other similar facility providing residential care to the elderly or infirm patients that take reasonable steps to implement the orders and regulations issued by the state agencies in response to COVID-19 are immune from liability for the death of or injury to persons, or for property damage, as a result of such activity. (RSA 21-P:41).</p> <p>Attorney General MacDonald concluded that health facilities and their employees and volunteers are performing emergency management activities, at the Governor’s direction or request, by taking reasonable steps to implement state of emergency orders, rules, and waivers that prepared the</p>

				<p>state to adequately treat patients and to prevent the overburdening of existing resources. Accordingly, immunity does apply to healthcare facilities, their employees, and volunteers- that engage in emergency management activities so long as the healthcare facility complies with or reasonably attempts to comply with the applicable state of emergency orders or rules.</p>
New Jersey	Senate Bill S2333 Sa (1R)	Retroactive to March 9, 2020	March 4, 2022	<p>On March 4, 2022 Governor Murphy ended the state of emergency in New Jersey. He also specifically indicated that several EOs would remain in effect <u>except that any civil or criminal immunity related to the COVID-19 response bestowed by EO 112 shall not be in effect.</u></p> <p>On April 13, 2020, the New Jersey Legislature passed Bill S2333 Sa (1R), which provides civil and criminal immunity to certain healthcare professionals and healthcare facilities during public health emergencies and state of emergency. The bill remains in effect unless repealed.</p> <p>The Bill defines a “health care professional” as any physician, physician assistant, advanced practice nurse, registered nurse, licensed practical nurse, or other health care professional whose professional practice is authorized in the state, an emergency medical technician or mobile intensive care paramedic, and a radiologic technologist.</p> <p>“Health care facility” means any non-federal institution, building or agency, or portion thereof whether public or private for-profit or nonprofit that is used, operated, or designed to provide health services, medical or dental treatment or nursing, rehabilitative or preventive care to any person. Additionally, the “health care facility” encompasses any modular field treatment facility and any other site designated by the Commissioner of Health for temporary use to provide essential services of the State’s response to the outbreak of the coronavirus disease.</p> <p>On April 1, 2020, Governor Murphy issued Executive Order 112, granting all healthcare professionals and healthcare facilities, licensed in the state of New Jersey, immunity from civil liability for any damages alleged to have been sustained as a result of the individual’s acts or omissions undertaken in good faith, in the course of providing healthcare services in support of the State’s COVID-19 response. This includes acts or omissions- whether or not within the scope of the licensee’s practice. Such immunity shall not extend to acts or omissions that constitute a crime, actual fraud, actual malice, gross negligence, or willful misconduct. The Order conferred immunity to</p>

				acts or omissions occurring at any time during the State of Emergency or Public Health Emergency.
New Mexico				
New York				<p>On April 6, 2021, Governor Cuomo signed Senate Bill S5177, repealing the Emergency Disaster Treatment Protection Act (EDTPA), an act which provided health care facilities and health care professionals immunity from liability that may have resulted from treatment of individuals with COVID-19 under conditions resulting from circumstances associated with the public health emergency. The bill, which is effective immediately, is silent on whether it applies retroactively. However, the bill’s sponsors New York State Assembly members Alessandra Biaggi and Ron Kim have said that they will look to the New York State Court system to resolve retroactivity. Retroactive immunity is still available under Executive Order 202.10, for any claims that may have arisen from the time period of March 23, 2020 through April 22, 2020.</p> <p>On August 3, 2020, Governor Cuomo signed Senate Bill S8835, amending provisions regarding healthcare facilities and professionals during the COVID-19 emergency. The bill clarifies that immunity applies to the assessment or care of an individual as it relates to COVID-19, and removes the care of any other individual who presents at a healthcare facility or to a healthcare professional during the period of the COVID-19 emergency declaration from the definition of “health care services.” Additionally, the bill removes immunity, protections when a healthcare facility or healthcare professional is “arranging for” healthcare services. The modifications are effective immediately.</p> <p>On April 3, 2020, Governor Cuomo signed into law the Emergency Disaster Treatment Protection Act (EDTPA). Under the EDTPA, health care facilities and professionals will not be subject to “any liability, civil or criminal, for any harm or damages sustained because of an act or omission in the course of arranging for or providing health care services” during the emergency declaration if the following criteria are met: (a) the health care facility or professional is lawfully arranging for or providing health care services in good faith; (b) the act or omission occurs in the course of arranging for or providing health care services in response to or as a result of the COVID-19 outbreak; and (c)</p>

				<p>the COVID-19 outbreak or the state’s directives impact the health care facility’s or health care professional’s decisions or activities which, in turn, impact the patient’s treatment.</p> <p>Immunity does not extend where the harm or damages were caused by “an act or omission constituting willful or intentional criminal misconduct, gross negligence, reckless misconduct, or intentional infliction of harm.” Significantly, however, acts, omissions, or decisions resulting from a resource or staffing shortage are explicitly exempted from this category if the criteria above are met.</p> <p>Health care facilities include hospitals, nursing homes and other facilities licensed under Article 28 of the New York State Public Health Law or Article 31 of the New York State Mental Hygiene Law; and professionals include nurses, nursing aides, nursing attendants, EMTs, homecare workers, physicians, and advanced practice practitioners. Notably, EDTPA also defines professionals to include facility administrators, executives, managers, supervisors, and board members.</p> <p>On March 23, 2020, Governor Cuomo issued Executive Order 202.10, ordering that all physicians, PAs, special assistants, nurse practitioners, licensed registered professional nurses, and licensed practical nurses, be immune from civil liability for any injury or death alleged to have been sustained as a result of an act or omission by such medical professional in the course of providing medical services in support of the State’s response to the COVID-19 outbreak unless it is established that such injury or death was caused by the gross negligence of such medical professional. This Order remained in effect through April 22, 2020.</p> <p>On January 15, 2022, Governor Kathy Hochul issued Executive Order No. 11.2, declaring a disaster emergency through February 14, 2022.</p>
North Carolina	Senate Bill 704	Retroactive to March 10, 2020	April 5, 2022	<p>Senate Bill 704, signed May 4, 2020, states that any health care facility, health care provider, or entity that has a legal responsibility for the acts or omissions of a health care provider shall have immunity from civil liability for any harm or damages alleged to have been sustained as a result of an act or omission in the course of arranging for or providing health care services in response to COVID-19. The provision of health services must be made in good faith. Immunity does not apply if the harm or damages were caused by an act or omission constituting gross negligence, reckless</p>

			<p>misconduct, or intentional infliction of harm. Health care facilities are defined to include adult care homes (Chapter 131D).</p> <p>On April 8, 2020, Governor Cooper issued Executive Order No. 130, ordering that all persons who are licensed to perform professional skills in the field of healthcare in response to the COVID-19 pandemic are civilly immune for any act or omission occurring as a result of a good faith attempt to render aid or as a result of the use of any equipment or supplies used in connection with an attempt to render aid. "Good faith" does not include willful misconduct, gross negligence, or recklessness. The Order remained in effect for sixty days, unless rescinded or replaced with a superseding Order.</p> <p>On January 5, 2022, Governor Cooper issued Executive Order No. 245, which is effective until April 5, 2022, ordering that Executive Order No. 130 (above) is amended as follows:</p> <p>A. Subsections 3(C)(1)-(2) of Executive Order No. 130 and Subsections 2(B)(1)(2) of Executive Order No. 193 are each amended to read as follows:</p> <ol style="list-style-type: none"> 1. All persons who are licensed or otherwise authorized under an Executive Order to perform vaccinations, COVID- 19 testing, or administer FDA- authorized or approved therapeutics intended to prevent or treat COVID-19; issue medical standing orders for vaccinations, testing, or the administration of antibody therapeutics intended to prevent or treat COVID-19; or perform professional skills in the field of health care are hereby requested to provide emergency services to respond to the COVID-19 pandemic and, to the extent they are providing emergency services, therefore constitute -emergency management workers" to the extent allowed under N.C. Gen. Stat. § 166A-19.60(e). 2. Therefore, the undersigned intends that all such emergency management workers should be insulated from civil liability to the maximum extent authorized by N.C. Gen. Stat. § 166A-19.60, except in cases of willful misconduct, gross negligence, or bad faith.
North Dakota	House Bill 1175	Retroactive to January 1, 2020	<p>On April 26, 2021, Governor Burgum signed HB 1175 into law providing that a healthcare provider or health care facility is immune from civil liability for any act or omission in response to COVID-19 that causes or contributes, directly or indirectly, to the death or injury of an individual. Immunity</p>

				<p>extends to an injury or death resulting from screening, assessing, diagnosing, caring for, triaging, or treating an individual with a suspected or confirmed case of COVID; prescribing, administering, or dispensing a pharmaceutical for off-label use to treat or prevent a suspected or confirmed case of COVID; or an act or omission while providing a health care service to an individual unrelated to COVID if the act or omission supports the state's response to COVID. Immunity does not extend where the act or omission constitutes willful and wanton misconduct; reckless infliction of harm; or intentional infliction of harm.</p> <p>Health care facility is defined to include skilled nursing facilities and assisted living facilities.</p>
Ohio	House Bill 606			<p>A health care provider that provides health care services, emergency medical services, first-aid treatment, or other emergency professional care, including the provision of any medication or other medical equipment or product, as a result of or in response to a disaster emergency is not subject to professional disciplinary action and is not liable in damages to any person or government agency in a tort action for injury, death, or loss to person or property that allegedly arises from:</p> <ul style="list-style-type: none"> (a) An act or omission of the health care provider in the health care provider's provision, withholding, or withdrawal of those services; (b) Any decision related to the provision, withholding, or withdrawal of those services; (c) Compliance with an executive order or director's order issued during and in response to the disaster or emergency. <p>Immunity does not extend if the health care provider's action, omission, decision, or compliance constitutes reckless disregard for the consequences to affect the life or health of the patient or intentional misconduct or willful or wanton misconduct on the part of the person against whom the action is brought.</p> <p>A health care provider is not subject to professional disciplinary action and is not liable in damages to any person or government agency in a tort action for injury, death, or loss to person or property that allegedly arises because the provider was unable to treat, diagnose, or test the person for any illness, disease, or condition, including the inability to perform any elective procedure, due to an executive or director's order or an order of a board of health of a city or general health district issued</p>

				<p>concerning an epidemic or pandemic disaster or other public health emergency.</p> <p>The Act does not grant immunity from tort or other civil liability or a professional disciplinary action to a health care provider for actions that are outside the skills, education, and training of the health care provider unless the health care provider undertakes the action in good faith and in response to a lack of resources caused by a disaster of emergency.</p> <p>Immunity applies retroactively to March 9, 2020 and expired on September 30, 2021.</p> <p>On November 23, 2020, Governor DeWine signed House Bill 151 into law, granted civil immunity to health care isolation centers, and temporarily authorizes EMTs to perform certain medical services in hospitals. Immunity does not apply where the health care isolation center is performing actions outside the skill, education, and training of the center unless the center undertakes the action in good faith and in response to a lack of resources caused by a disaster or emergency. A “health care isolation center” is defined as a facility that operates under the guidance and monitoring of the DOH and specializes in the care of patients with an active or convalescent COVID-19 infection or who have other health care needs and require quarantine for up to 14 days following exposure to COVID-19. This section is applicable through September 30, 2021.</p>
Oklahoma	Senate Bill 300	May 12, 2020		<p>On May 12, 2020, Governor Stitt signed Senate Bill 300 in law. The Bill, also known as the COVID-19 Public Health Emergency Limited Liability Act, states that a healthcare facility or health care provider shall be immune from civil liability for any loss or harm to a person with a suspected or confirmed diagnosis of COVID-19 caused by any act or omission by the facility or provider that occurs during the COVID-19 public health emergency if:</p> <ol style="list-style-type: none"> 1. The act or omission occurred in the course of arranging for or providing COVID-19 health care services for the treatment of the person who was impacted by the decisions, activities or staffing of, or the availability or capacity of space or equipment by, the health care facility or provider in response to or as a result of the COVID-19 public health emergency; and 2. The act or omission was not the result of gross negligence or willful or wanton misconduct of the health care facility or health care provider rendering the health care services.

			<p>Immunity does not extend where the person did not have a suspected or confirmed diagnosis of COVID-19 at the time of the services.</p> <p>“Health care facility” means any non-federal institution, building, or agency or portion thereof, whether public or private or for-profit or nonprofit, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any person or persons. This includes, but is not limited to: ambulatory surgical facilities, hospitals, infirmaries, intermediate care facilities, kidney dialysis centers, long-term care facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatments facilities, skilled nursing facilities, special-care facilities, medical laboratories, and adult day-care centers. This also includes, but is not limited to, the following related property when used for or in connection with the foregoing: laboratories; research facilities; pharmacies; laundry facilities; health personnel training and lodging facilities; patient, guest, and health personnel food service facilities; and offices and office buildings for persons engaged in health care professions or services.</p> <p>“Health care provider” means any person or entity who provides health care services including, but not limited to, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency medical workers.</p> <p>Governor Stitt rescinded the state of emergency on May 31, 2021.</p> <p>On April 20, 2020, Governor Stitt issued Third Amended Executive Order 2020-13, ordering that any healthcare provider, healthcare facility, or alternate care location designated by the state, shall be afforded immunity from liability for damages resulting from the rendering of emergency care, aid, shelter or assistance unless the damage was caused by the gross negligence or willful misconduct of the individual or entity. (76 OS § 5.9). The Order expired on May 20, 2020.</p> <p>On January 21, 2022, Senate Bill 1863 was pre-filed, which provides immunity from civil suits for multiple entities, including hospitals that are licensed by the State Dept of Health.</p>
--	--	--	---

Oregon				
Pennsylvania	Executive Order	May 6, 2020	In effect for the duration of the disaster emergency	<p>On June 10, 2021, the Pennsylvania Legislature ended the state’s coronavirus disaster declaration under new powers granted to it by Constitutional amendments voted in by Pennsylvania citizens.</p> <p>Governor Wolf ordered that individuals who hold a license or certificate to practice a health care profession or occupation within the Commonwealth, and who are engaged in emergency service activities or the provision of disaster service activities related to the Commonwealth’s COVID-19 response, are immune from civil liability for the death of or any injury to a person or for loss of or property damage. The actions must be taken in good faith.</p> <p>Immunity extends only to the individuals, not the facilities or entities themselves. Immunity extends to individuals providing activities in health care facilities, nursing facilities, personal care homes, assisted living facilities, any alternate care sites, community-based testing sites, or non-congregate care facilities.</p> <p>Immunity does not extend in cases of willful misconduct or gross negligence. Furthermore, immunity does not extend to health care professionals rendering non-COVID-19 medical and health treatment or services to individuals.</p>
Rhode Island	Executive Order 20-33		March 16, 2022	<p>On April 30, 2021, Governor Raimondo issued Executive Order 21-43, extending Executive Order 20-70 until May 31, 2021. On April 22, 2021, Governor Raimondo issued Executive Order 21-38, extending Executive Order 20-70 until May 1, 2021. On March 23, 2021, Governor Raimondo issued Executive Order 21-28, extending Executive Order 20-70 until April 21, 2021. On February 23, 2021, Governor Raimondo issued Executive Order 21-16, extending Executive Order 20-70 until March 24, 2021. On January 28, 2021, Governor Raimondo issued Executive Order 21-08, extending Executive Order 20-70, until February 25, 2021. On December 30, 2020, Governor Raimondo issued Executive Order 20-111, extending Executive Order 20-70 until January 28, 2021. On December 2, 2020, Governor Raimondo issued Executive Order 20-102, extending Executive Order 20-70 until December 31, 2020. On November 2, 2020, Governor Raimondo issued Executive Order 20-91, extending Executive Order 20-70 until December 3, 2020. On October 2, 2020,</p>

				<p>Governor Raimondo issued Executive Order 20-81, extending Executive Order 20-33 until November 2, 2020. On September 3, 2020, Governor Raimondo issued Executive Order 20-70, extending Executive Order 20-33 until October 3, 2020. On July 31, 2020, Governor Raimondo issued Executive Order 20-59, extending Executive Order 20-33 until September 2, 2020. On July 3, 2020, Governor Raimondo issued Executive Order 20-52, extending Executive Order 20-33 until August 2, 2020. On June 4, 2020, Governor Raimondo issued Executive Order 20-42, extending Executive Order 20-33 until July 4, 2020.</p> <p>On May 8, 2020, Governor Raimondo issued Executive Order 20-33. The Order expanded the definition of “disaster response workers”- entitling immunity under Rhode Island General Law section 30-15-15 to include: health care workers providing community-based health care, long term care, congregate care, services at alternative hospitals and services in existing hospitals, nursing facilities, assisted living residences, home health care, hospice, adult daycare, and PACE organizations. Additionally, Governor Raimondo ordered that all aforementioned disaster response workers be entitled to immunity from civil liability. The Order remained in full force and effect until June 7, 2020.</p> <p>On April 10, 2020, Governor Raimondo issued Executive Order 20-21, ordering that health care workers providing community-based health care, services at surge hospitals and services in existing hospitals, nursing facilities, and alternative nursing care sites be immune from liability for the death of or injury to persons or for damage to property as a result of the disaster response activity. (Rhode Island General Law section 30-15-15) The Order does not provide immunity for negligence that occurs in the course of providing patient care to patients without COVID-19, whose care has not been altered by the existence of this disaster emergency. Additionally, the Order does not provide immunity in cases of willful misconduct, gross negligence, or bad faith. Executive Order 20-21 remained in effect until May 8, 2020.</p> <p>On December 22, 2021, Governor Daniel McKee issued Executive Order 21-120, ordering that healthcare providers will not be “liable for civil damages arising out of the level or manner of care received by a patient during the pendency of this Order if such care has been affected by shortages in staffing and/or supplies.” It further states that whether a healthcare provider met the SOC must be analyzed in light of the circumstances. Executive Order 20-120 remains in effect until January 18,</p>
--	--	--	--	--

				<p>2022.</p> <p>On January 6, 2022, Governor McKee issued executive order 22-02 extending executive order 21-109 regarding the declaration of emergency, until February 4, 2022.</p> <p>On January 6, 2022, Governor McKee issued executive order 22-04 extending orders 21-116 and 21-120 until February 14, 2022.</p> <p>On January 19, 2022, Governor McKee issued executive order 22-05, extending executive order 20-02 (declaration of disaster emergency) through February 17, 2022.</p> <p>On February 3, 2022, Governor McKee issued executive order 22-12 ordering that the declaration of disaster emergency for new COVID-19 variants is extended until March 4, 2022.</p> <p>On February 15, 2022, Governor McKee issued executive order 22-19 extending the declaration of disaster emergency through March 16, 2022.</p>
South Carolina	SC COVID-19 Liability Safe Harbor Act	Retroactive to March 13, 2020	<p>June 30, 2021 or 180 days after the final state of emergency is lifted for COVID in South Carolina, whichever is later</p>	<p>On April 28, 2021, Governor McMaster signed the South Carolina COVID Liability Safe Harbor Act into law, providing that a covered entity or covered individual that reasonably adheres to public health guidance at the time the conduct giving rise to a COVID claim will be entitled to immunity from liability for any acts or omissions resulting in a COVID claim. Immunity does not apply where: (1) a claimant proves by a preponderance of the evidence that the covered entity or covered individual caused the injury or damage by: grossly negligent, wilful, or intentional misconduct; or a failure to make any attempt to adhere to public health guidance; or for all other claims, if the claimant proves by clear and convincing evidence that the covered entity or covered individual caused the injury or damage by grossly negligent, reckless, wilful or intentional misconduct or a failure to make any attempt to adhere to public health guidance.</p> <p>“Covered entity” is defined to include a health care facility or provider as defined under Chapter 4, Title 44 of the South Carolina Code. This includes skilled nursing facilities and long-term care facilities. A “covered individual” is defined as any director, officer, employee, agent, contractor, third-party worker, or representative of a covered entity.</p>

				The state of emergency was last extended on May 22, 2021 and expired on June 6, 2021.
South Dakota	House Bill 1046	Retroactive to January 1, 2020	December 31, 2022	On February 18, 2021, Governor Noem signed HB 1046 into law, declaring that a healthcare provider is not liable for damages for causing or contributing, directly or indirectly, to the death or injury of a person as a result of the healthcare provider's acts or omissions in response to COVID-19. Immunity does not apply where the act or omission constitutes gross negligence, recklessness, or willful misconduct.
Tennessee	Tennessee COVID-19 Recovery Act	August 20, 2020		<p>On August 20, 2020, Governor Lee signed the "Tennessee COVID-19 Recovery Act" into law. The Act states that there is no claim against any person for loss, damage, injury, or death arising from COVID-19 unless the claimant proves by clear and convincing evidence that the person caused the loss, damage, injury, or death by an act or omission constituting gross negligence or willful misconduct. The act applies to all claims arising from COVID-19 except in those filed before August 3, 2020</p> <p>Under the Act, a claimant alleging an injury arising from COVID-19 must file a verified complaint, pleading specific facts with particularity from which a trier of fact could reasonably conclude that the injury was caused by the defendant's gross negligence or willful misconduct. In an action alleging exposure to or contraction of COVID-19, the claimant must file a certificate of good faith stating that the claimant or claimant's counsel consulted with a physician duly licensed to practice in the state or a bordering state, and the physician has provided a signed written statement that the claimant's injury was caused by the alleged act or omission of the defendant. Absent these elements, a claim is subject to dismissal upon motion.</p> <p>On August 17, 2020, Governor Lee issued Executive Order 58, terminating Executive Order 53, upon the enactment of the "Tennessee COVID-19 Recovery Act", also known as the SB2/HB1 of the Second Extraordinary Session of the 111th General Assembly.</p> <p>On July 31, 2020, Governor Lee issued Executive Order 55, amending and extending Executive Order 53, until August 30, 2020.</p>

				<p>Governor Lee ordered that healthcare providers, who render services within the limits of their license, certification, or authorization are granted limited liability protections and accordingly shall not be liable for any illness, injury, death, or damages related to the contraction of, or suspected contraction of, COVID-19 alleged to have been caused by their acts or omissions. This protection does not include any act or omission caused by gross negligence or willful misconduct.</p> <p>On January 20, 2022, Bill No. 1823 was introduced which states “ a licensed healthcare provider who provides a person with a signed statement that states the person should be exempted from a mandatory COVID-19 vaccination policy and specifies the recognized clinical reasons for the exemption, is:</p> <ol style="list-style-type: none"> (1) Acting within the provider's authorized scope of practice; (2) Immune from civil liability; and (3) Immune from disciplinary action by a health-related board.” <p>On January 24, 2022, Bill No. 1870 was introduced, which provides:</p> <p>“A licensing board or disciplinary subcommittee shall not revoke, fail to renew, suspend, or take an action against a physician's license issued under this chapter based solely on the physician's recommendations to a patient regarding treatment for COVID19, so long as the physician exercised independent medical judgment and believes that the medical treatment is in the best interest of the patient.”</p>
Texas	Senate Bill 6	Claim that occurred during a period beginning on the date that the President of the United States or Governor makes	Date the disaster declaration is terminated by the President of the United States or Governor	On June 14, 2021, Governor Abbott signed Senate Bill 6 into law, amending the Civil Practice and Remedies Code by adding Section 74.155. The new section, 74.155(b) states that except in cases of reckless conduct or intentional, willful, or wanton misconduct, a physician, health care provider or first responder is not liable for an injury, including economic and non-economic damages, or death arising from care, treatment, or failure to provide care or treatment relating to or impacted by a pandemic disease or a disaster declaration related to a pandemic disease. In order for immunity to apply, the physician, health care provider, or first responder must prove by a <i>preponderance of the</i>

		<p>a disaster declaration related to a pandemic disease</p>	<p><i>evidence that:</i></p> <p>(b)(1) A pandemic disease or disaster declaration related to a pandemic disease was a producing cause of the care, treatment, or failure to provide care or treatment that allegedly caused the injury or death; or</p> <p>(b)(2) The individual who suffered injury or death was diagnosed or reasonably suspected to be infected with a pandemic disease at the time of the care, treatment, or failure to provide care or treatment. A physician, health care provider, or first responder may not use subsection (b)(2) as a defense for liability if a claimant proves by a preponderance of the evidence that the respective diagnosis, treatment, or reasonable suspicion of infection with a pandemic disease at the time of the care, treatment, or failure to provide care or treatment was not a producing cause of the individual's injury or death.</p> <p>Additionally, under 74.155(g), a physician, health care provider, or first responder who raises a defense under the immunity provision outlined above must provide to the claimant specific facts that support an assertion under subsection (b)(1) and (b)(2) not later than the later of:</p> <ol style="list-style-type: none"> 1. The 60th day after the date the claimant serves an expert report on the physician, health care provider, or first responder under Section 74.350; or 2. The 120th day after the date that physician, health care provider, or first responder files an original answer in the suit. <p>This section only applies to an action commenced on or after March 13, 2020, for which a judgment has not become final before the effective date of the Act. An action commenced before March 13, 2020, or an action for which a judgment has become final before the effective date of the Act is governed by the law applicable to the action immediately before the effective date of the Act, June 14, 2021. The Act applies retroactively to claims that occurred during the period beginning on the date that the President of the United States or Governor of Texas made a disaster declaration related to a pandemic disease, and expires on the date that the disaster declaration was terminated</p>
--	--	---	--

				<p>by the President of the United States or Governor of Texas.</p> <p>Finally, “health care provider” is defined to include assisted living facilities and nursing homes.</p> <p>On January 22, 2022, Governor Abbott issued a proclamation renewing the declaration stating COVID-19 poses an imminent threat of disaster for all counties in Texas.</p> <p>On February 21, 2022, Governor Abbott issued a proclamation renewing the declaration stating COVID-19 poses an imminent threat of disaster for all counties in Texas.</p>
Utah	Senate Bill 3002	April 22, 2020		<p>Declares that a healthcare provider is immune from civil liability for any harm resulting from any act or omission in the course of providing healthcare during a declared major public emergency if: (a) the healthcare is provided in good faith to treat a patient for the illness or condition that resulted in the declared major public health emergency, or (b) the act or omission was the direct result of providing healthcare to a patient for the illness or condition that resulted in the declared major public health emergency. Immunity does not extend where the act or omission is grossly negligent or intentional or malicious.</p> <p>Additionally, the Bill declares that a healthcare provider is not subject to civil liability, criminal liability, or sanctions against the healthcare provider’s license for providing a qualified treatment to a patient—that is within the scope of the healthcare provider’s license, is under a written recommendation by a federal government agency, the patient is advised of the positive and negatives associated with the treatment and documentation of consent is obtained from either the patient or the patient’s representative. Immunity does not extend where the act or omission is grossly negligent or intentional or malicious.</p> <p>On March 6, 2020, Governor Herbert <u>declared</u> a state of emergency in response to COVID-19. (Press Release).</p> <p>“Healthcare provider” is defined as any person, partnership, association, corporation, or other facility or institution who causes to be rendered or who renders health care or professional services as a hospital, health care facility, physician, physician assistant, registered nurse, licensed practical</p>

			<p>nurse, nurse-midwife, licensed direct-entry midwife, dentist, dental hygienist, optometrist, clinical laboratory technologist, pharmacist, physical therapist, physical therapist assistant, podiatric physician, psychologist, chiropractic physician, naturopathic physician, osteopathic physician, osteopathic physician and surgeon, audiologist, speech-language pathologist, clinical social worker, certified social worker, social service worker, marriage and family counselor, practitioner of obstetrics, licensed athletic trainer, or others rendering similar care and services relating to or arising out of the health needs of persons or groups of persons and officers, employees, or agents of any of the above acting in the course and scope of their employment. (<u>Section 38 78B-3-403</u>).</p> <p>On January 26, 2022, the Utah Senate amended Bill No. 23 to include “acupuncturists” to the list of healthcare providers that are afforded immunity.</p> <p>On February 18, 2022 Governor Cox indicated Utah would start treating COVID-19 like the flu “or other seasonal diseases” by March 31.</p>
Vermont	Amended and Restated Executive Order No. 01-20		<p>On May 14, 2021, Governor Scott issued Addendum 16 to Amended and Restated Executive Order No. 01-20, extending all directives until June 15, 2021. On April 15, 2021, Governor Scott issued Addendum 14 to Amended and Restated Executive Order 01-20, extending all directives until May 15, 2021. On March 16, 2021, Governor Scott issued Addendum 12 to Amended and Restated Executive Order 01-20, extending all directives until April 15, 2021. On February 15, 2021, Governor Scott issued Addendum 11 to Amended and Restated Executive Order 01-20, extending all directives until March 15, 2021. On January 15, 2021, Governor Scott issued Addendum 10 to Amended and Restated Executive Order 01-20, extending all directives until February 15, 2021. On December 15, 2020, Governor Scott issued Addendum 9 to Amended and Restated Executive Order 01-20, extending all directives until January 15, 2021. On November 13, 2020, Governor Scott issued Addendum 8 to Amended and Restated Executive Order 01-20, extending all directives until December 15, 2020. On October 15, 2020, Governor Scott issued Addendum 6 to Amended and Restated Executive Order 01-20, extending all directives until November 15, 2020. On September 11, 2020, Governor Scott issued Addendum 5 to Amended and Restated Executive Order 01-20, extending all directives until October 15, 2020. On August 14, 2020, Governor Scott issued Addendum 3 to Amended and Restated Executive Order No. 01-20, extending all directives until September 15, 2020. On July 15, 2020, Governor Scott issued Addendum 1 to Amended and</p>

				<p>Restated Executive Order No. 01-20, extending all directives until August 15, 2020.</p> <p>Governor Scott amended and restated Addendum to Executive Order 01-20 issued on April 10, 2020, ordering that healthcare facilities, healthcare providers, and healthcare volunteers are immune from civil liability for any death, injury, or loss resulting from COVID-19 related emergency management services or response activities, except in the case of willful misconduct or gross negligence.</p> <p>The Order defines “emergency management” as the preparation and implementation of all emergency functions needed to prevent, plan for, mitigate, and support response and recovery efforts from all hazards. This does not include any function for which the military or other federal agencies are responsible.</p> <p>The Order defines “healthcare facility” as any State-licensed nursing home, assisted living residence, Level III residential care home, intermediate care facility for individuals with intellectual disabilities, therapeutic community residences, hospitals, alternate or temporary hospital sites and other isolations, quarantine or housing sites designated by the Commission of PSD/VEM for treatment of, or alternate shelter for those who have been exposed to or infected with COVID-19. The Order defines “healthcare providers” as any person, partnership, corporation, facility, or institution licensed, certified, or authorized by law to provide professional health care service to an individual during that individual’s medical care, treatment or confinement.</p> <p>Finally, the Order defines “healthcare volunteers” to mean all volunteers or medical or nursing students who do not have licensures- who are providing services, assistance, or support at a healthcare facility in response to the COVID-19 outbreak.</p>
Virginia	HB 5059	Retroactive to March 12, 2020	Such time as the declaration of a state of emergency related to the COVID-19 virus	On October 13, 2020, HB 5059 was signed into law, ordering that in the absence of gross negligence or willful misconduct, any licensed hospice; home care organization; Department of Behavioral Health and Developmental Services private provider; assisted living facility; and adult day care center that delivers care to or withholds care from a patient, resident, or person receiving services who is diagnosed as being or is believed to be infected with COVID-19 shall not be liable for any injury or wrongful death of such patient, resident, or the person receiving services arising

			<p>no longer is in effect.</p>	<p>from the delivery or withholding of care when the emergency and subsequent conditions caused by the emergency result in lack of resources, attributable to the disaster. The immunity provided under this section shall be in addition to, and not be in place of, any immunities provided in other state or federal law.</p> <p>On April 28, 2020, Governor Northam issued Executive Order Sixty, ordering that healthcare workers, operating in response to the COVID-19 emergency, were immune from civil liability for any injury or wrongful death of any person arising from the delivery or withholding of health care. (Virginia Code §§ 8.01-225.01 and 8.01-225.02). Nothing in the Order prevented liability in the case of gross negligence and willful misconduct. Executive Order No.:Fifty-One (2020) issued by Governor Northam on March 12, 2020, declared a state of emergency. Executive Order Sixty was effective until the expiration of Executive Order Fifty-One unless sooner amended to rescinded. Executive Order Fifty-One was effective until amended or rescinded by further executive order.</p> <p>On January 10, 2022, Governor Northam issued Executive Order Eighty-Four, ordering that the declaration of emergency was continued and provided “certain liability protection to healthcare providers during a state of emergency.”</p> <p>On January 12, 2022, Virginia Senate Bill No. 148 was introduced which would give immunity to healthcare providers:</p> <p>“That §§ 8.01-225.01 and 8.01-225.02 of the Code of Virginia are amended and reenacted as follows:</p> <p>§ 8.01-225.01. Certain immunity for health care providers during disasters under specific circumstances.</p> <p>A. In the absence of gross negligence or willful misconduct, any health care provider who responds to a disaster by delivering health care to persons injured in such disaster or who commits any act or omission as directed by any order of public health in response to such disaster shall be immune from civil liability for any injury or wrongful death arising from abandonment by such health care provider of any person to whom such health care provider owes a duty to provide health care when (i) a state or local emergency , state of emergency, or public health emergency has been or is</p>
--	--	--	--------------------------------	--

				<p>subsequently declared ; , and (ii) the provider was unable to provide the requisite health care to the person to whom he owed such duty of care as a result of the provider's voluntary or mandatory response to the relevant disaster , order of public health, resource shortage, or other condition arising out of the disaster.</p> <p>B. In the absence of gross negligence or willful misconduct, any hospital or other entity credentialing health care providers to deliver health care in response to a disaster shall be immune from civil liability for any cause of action arising out of such credentialing or granting of practice privileges if (i) a state or local emergency has been or is subsequently declared and (ii) the hospital has followed procedures for such credentialing and granting of practice privileges that are consistent with the applicable standards of an approved national accrediting organization for granting emergency practice privileges.”</p> <p>On January 12, 2022, the Virginia Senate introduce Bill No. 73, which prohibits the Board of Medicine from initiating a disciplinary action against a licensed health care provider solely for prescribing, administering, or dispensing hydroxychloroquine or ivermectin to a patient with a clinical diagnosis of COVID-19, provided such clinical diagnosis and treatment has been documented in the patient’s medical record by such licensed health care provider.</p> <p>On January 20, 2022, Governor Youngkin issued executive order 11, effective until February 21, 2022 providing certain civil immunities and flexibility for healthcare providers and nursing homes.</p> <p>On February 9, 2022, Virginia Senate amended Bill No. 148 to expand immunity to health care providers.</p>
Washington				
West Virginia	SB 277	Retroactive to January 1, 2020		On March 19, 2021, Governor Justice signed SB 277, also known as the West Virginia COVID-19 Jobs Protection Act. The bill states that there is no claim against any person, essential business, business entity, health care facility, health care provider, first responder, or volunteer for loss,

				<p>damage, physical injury, or death arising from COVID-19, from COVID-19 care, or from impacted care. Limitations on liability shall not apply to any person, or employee or agent thereof, who engaged in intentional conduct with actual malice.</p>
Wisconsin	2021 Wisconsin Act 4	Retroactive to March 1, 2020		<p>On February 25, 2021, Governor Evers signed the 2021 Wisconsin Act 4 into law. Section 8 of the Act provides civil liability exemptions as related to exposure to COVID-19. Specifically, the Act states that an entity is immune from civil liability for the death of or injury to any individual or damages caused by any act or omission resulting in or relating to exposure, directly or indirectly, to COVID-19 in the course of or through the performance or provision of the entity’s functions or services. An “entity” is defined as a partnership, corporation, association, governmental entity, or other legal entity including a nonprofit organization. Additionally, the definition includes an employer or business owner, employee, agent, or independent contractor of the entity, regardless of whether the person is paid or an unpaid volunteer. Immunity does not apply if the act or omission involves reckless or wanton conduct or intentional misconduct.</p> <p>2019 Wisconsin Act 185, established immunity from civil liability for persons who manufacture, distribute, or sell emergency medical supplies during the public health emergency related to COVID-19. “Emergency medical supplies” is defined as “any medical equipment or supplies necessary to limit the spread of, or provide treatment for” diseases associated with the COVID-19 pandemic. This includes, but is not limited to: life support devices, personal protective equipment, and cleaning supplies. Additionally, the Bill provides immunity from civil liability for any charitable organization that distributes the aforementioned equipment or supplies.</p> <p>Additionally, the Bill provides immunity from civil liability for healthcare professionals and providers and employees, agents, or contractors of those professionals or providers for death, injury, or damages caused by actions or omissions taken in providing services to address the COVID-19 outbreak. The Bill does not extend immunity to actions or omissions involving reckless or wanton conduct or intentional misconduct and must occur during a good-faith response to the emergency or be substantially consistent with either a direction, guidance, recommendation, or other statement made by a federal, state, or local official to address or in response to the emergency or disaster or</p>

				<p>any published guidance of DHS or the federal Department of Health and Human Services relied upon in good faith.</p> <p>The Bill defines “health care professional” as an individual licensed, registered, or certified by the medical examining board.</p> <p>The Bill defines “health care provider” as any licensed nurse, chiropractor, dentist, physician, physician assistant, perfusionist, respiratory care practitioner, physical therapist, physical therapist assistant, podiatrist, dietitian, athletic trainer, occupational therapist, occupational therapist assistant, optometrist, pharmacist, acupuncturist, psychologist, social worker, marriage and family therapist, professional counselor, speech-language pathologist or audiologist, massage therapist or bodywork therapist, emergency medical services practitioner, and emergency medical responder. This includes any person working under the supervision of or in the collaboration of one of the aforementioned licensees.</p> <p>Additionally, the Bill further defines a “health care provider” to include any facility, association, or business entity of any of the aforementioned licensees, a hospice, inpatient health care facility, a community based residential facility, a rural medical center, ambulance service provider, and residential care apartment complex. This includes any parent, subsidiary, or affiliate organization of a facility, association, or business entity.</p> <p>The Bill was retroactive to March 12, 2020. The Bill expired 60 days following the date that the state of emergency terminates. The state of emergency in Wisconsin expired on May 11, 2020.</p>
Wyoming	Senate Bill 19	May 20, 2020	March 14, 2022 (Governor Gordon to lift public health emergency on this date)	<p>On April 6, 2021, Governor Gordon signed Senate Bill 19, amending the healthcare immunity provisions clarifying that a healthcare provider, person or entity will be immune from liability for damages in an action involving a COVID-19 claim unless the person seeking damages proves that the healthcare provider, person or entity took actions that constitutes gross negligence or willful or wanton misconduct. Any acts or omissions constituting the basis of a COVID-19 claim must be stated with particularity and must be proven by clear and convincing evidence.</p> <p>Senate Bill 1002 declared that during a public health emergency, any health care provider, including</p>

				a business entity, who in good faith follows the instructions of a state, city, town, or county health officer or who acts in good faith in responding to the public health emergency is immune from liability. Immunity does not apply to the acts or omissions constituting gross negligence or willful or wanton misconduct.
--	--	--	--	---

Washington, District of Columbia:

Code of the District of Columbia Section 7-2304.01- Issuance of Public Health Emergency Executive Order

[Section 7-2304.01\(3A\)\(A\)\(i\)](#) states that a healthcare provider, first responder, or volunteer who renders care or treatment to a potential, suspected, or diagnosed individual with COVID-19 is exempt from liability in a civil action for damages resulting from such care or treatment, or from any act or failure to act in providing or arranging medical treatment for COVID-19, during the declared public health emergency. Liability does not extend where the acts or omissions constitute a crime, actual fraud, actual malice, recklessness, breach of contract, gross negligence, or willful misconduct.

Additionally, on June 8, 2020, D.C. Act 23-328 was signed into law, providing that a healthcare provider, first responder, or volunteer who renders care or treatment to a potential, suspected, or diagnosed individual with COVID shall be exempt from liability in a civil action for damages resulting from such care or treatment of COVID, or from any act or failure to act in providing or arranging medical treatment for COVID. Immunity does not extend where the (1) the acts or omissions constitute actual fraud, malice, recklessness, breach of control, gross negligence, or willful misconduct; or (2) the acts or omissions are unrelated to direct patient care- provided that a contractor or subcontractor shall not be liable for damages for any act or omission alleged to have caused an individual to contract COVID. This only applies during the declared public health emergency.