

## COVID-19 LIABILITY PROTECTION ACT

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<http://www.house.mi.gov/hfa>

**House Bill 6492 as introduced**  
**Sponsor: Rep. Graham Filler**  
**Committee: Government Operations**  
**Complete to 12-7-20**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 6492 would create a new act, the COVID-19 Liability Protection Act, to provide protection from civil and criminal liability for certain individuals and entities providing services in support of the state's response to the COVID-19 pandemic. The act would be repealed 120 days after its date of enactment.

Under the act, both of the following would apply to a **COVID-19 responder** or **health care facility** that provides services in support of the state's response to the COVID-19 pandemic:

- The responder or facility would not be liable for an injury (including death) sustained by an individual by reason of those services, unless it was established that the provision of the services constituted **gross negligence**.
- The responder or facility would not be subject to criminal prosecution for providing those services.

**COVID-19 responder** would mean an individual who is one or more of the following:

- An individual who performs volunteer services for a health care facility.
- An individual who by education, training, or experience substantially meets requirements for licensure under Article 15 of the Public Health Code and is allowed under that act to render medical care without a license in a time of disaster or at the scene of an emergency.

**Health care facility** would mean an entity that is one or more of the following:

- A hospital.
- A health maintenance organization.
- A freestanding surgical outpatient facility.
- A county medical care facility.
- A nursing home.
- A home for the aged.
- An ambulance operation, aircraft transport operation, nontransport prehospital life support operation, or medical first response service.
- A facility or agency described above located in a university, college, or other educational institution.
- A hospice or hospice residence.
- A state-owned surgical center.
- A state-operated outpatient facility.
- A state-operated veterans facility.
- A facility used as surge capacity for a health care facility described above.

*Gross negligence* would mean conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

The new act would not eliminate, limit, or reduce any other immunity or defense that may be available under Michigan law.

**FISCAL IMPACT:**

House Bill 6492 would have an indeterminate fiscal impact on local court funding units. The bill would prohibit COVID-19 responders and health care facilities that provide services in support of the state's response to the COVID-19 pandemic from being held liable for injuries, including death, sustained by individuals as a result of the services provided by responders and facilities. Responders and health care facilities would be held liable for injuries, including death, sustained by individuals if the provision of services constituted gross negligence. Provisions of the bill are aimed at limiting the number of medical malpractice lawsuits likely to be filed. Any fiscal impact would be directly related to how provisions of the bill affect court caseloads, the complexity of lawsuits, and related administrative costs.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.