

HOUSE BILL NO. 6492

December 02, 2020, Introduced by Reps. Filler and Calley and referred to the Committee on Government Operations.

A bill to limit civil and criminal liability for certain individuals and health care facilities who respond to or assist with COVID-19 efforts in this state; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "COVID-19 liability protection act".

3 Sec. 3. As used in this act:

4 (a) "COVID-19 pandemic" means the pandemic involving severe
5 acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

1 (b) "COVID-19 responder" means an individual who is 1 or more
2 of the following:

3 (i) An individual who performs volunteer services for a health
4 care facility.

5 (ii) An individual who is permitted to engage in the practice
6 of a health profession under section 16171(c) of the public health
7 code, 1978 PA 368, MCL 333.16171.

8 (c) "Gross negligence" means conduct so reckless as to
9 demonstrate a substantial lack of concern for whether an injury
10 results.

11 (d) "Health care facility" means an entity that is 1 or more
12 of the following:

13 (i) A health facility or agency as that term is defined in
14 section 20106 of the public health code, 1978 PA 368, MCL
15 333.20106.

16 (ii) A state-owned surgical center.

17 (iii) A state-operated outpatient facility.

18 (iv) A state-operated veterans facility.

19 (v) A facility used as surge capacity for any of the health
20 care facilities described in this subdivision.

21 Sec. 5. (1) A COVID-19 responder or health care facility that
22 provides services in support of this state's response to the COVID-
23 19 pandemic is not liable for an injury, including death, sustained
24 by an individual by reason of those services, unless it is
25 established that the provision of the services constituted gross
26 negligence.

27 (2) A COVID-19 responder or health care facility that provides
28 services in support of this state's response to the COVID-19
29 pandemic is not subject to criminal prosecution for providing those

1 services.

2 Sec. 7. This act does not eliminate, limit, or reduce any
3 other immunity or defense that may be available under the laws of
4 this state.

5 Sec. 9. This act is repealed effective 120 days after the date
6 it is enacted into law.