

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL NO. [NUMBER]

By:

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5
6 AS INTRODUCED

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8 An Act relating to torts; making certain
9 individuals and entities providing medical
10 care to patients during the public health
11 emergency declared by the Governor due to the
12 COVID-19 pandemic immune from civil liability
13 in certain situations; providing exceptions;
14 defining terms; providing for codification;
15 and providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW. A new section of law to be codified in
18 the Oklahoma Statutes as Section 5.10 of Title 76, unless there
19 is created a duplication in numbering, reads as follows:

20 A. This section shall be known as the COVID-19 Public Health
21 Emergency Limited Liability Act.

22 B. A health care provider or health care facility shall be
23 immune from civil liability for any loss or harm to person or
24 property caused by an act or omission that occurs during the
COVID-19 public health emergency, if:

1. The act or omission occurred in the course of

1 arranging for or providing health care services and the
2 treatment of the individual was impacted by the health care
3 provider's or health care entity's decisions, activities,
4 staffing, or the availability of facilities or equipment in
5 response to or as a result of the COVID-19 public health
6 emergency; and

7 2. The loss or harm to person or property was not caused
8 by the gross negligence or willful or wanton misconduct of the
9 health care provider or health care facility.

10 C. For purposes of this section:

11 1. "COVID-19 public health emergency" means any emergency
12 declared by the Governor of Oklahoma, President of the United
13 States, or the United States Secretary of Health and Human
14 Services related to COVID-19, including but not limited to the
15 emergency declared by the Governor by Executive Order, and any
16 amendments thereto, under the Oklahoma Emergency Management Act
17 of 2003, 63 O.S. § 683.1, *et seq.*, beginning on March 15, 2020,
18 the health emergency declared by the Governor by Executive
19 Order, and any amendments thereto, under the Catastrophic Health
20 Emergency Powers Act, 63 O.S. § 6101 *et seq.*, beginning on April
21 2, 2020, and the public health emergency declared by the United
22 States Secretary of Health and Human Services under Section 319
23 of the Public Health Services Act, 42 U.S.C. 247d, beginning on
24 January 31, 2020.

1 2. "Health care provider" and "health care facility" are
2 defined as provided in Section 6104 of Title 63 of the Oklahoma
3 Statutes.

4 3. "Health care services" means any services provided by
5 a health care provider, health care facility, or by an
6 individual working under a health care provider's or health care
7 facility's supervision, that relate to the diagnosis,
8 assessment, prevention, treatment, or care of any human illness,
9 disease, injury, or condition.

10 D. This section shall apply to all civil actions filed after
11 the effective date of this act and apply to any claim arising
12 during the COVID-19 public health emergency.

13 SECTION 2. It being immediately necessary for the
14 preservation of the public peace, health, and safety, an
15 emergency is hereby declared to exist, by reason whereof this
16 act shall take effect and be in full force from and after its
17 passage and approval.

18 SECTION 3. This section shall be in effect until October
19 31, 2024.