

An Act

ENROLLED SENATE
BILL NO. 300

By: Daniels of the Senate

and

O'Donnell and Fugate of the
House

An Act relating to medical liability; establishing the COVID-19 Public Health Emergency Limited Liability Act; providing short title; defining terms; granting immunity from civil liability for acts or omissions of certain facilities or providers under emergency declaration; establishing exceptions to immunity from liability; construing provisions; providing for applicability of act; providing for expiration of act; providing for codification; and declaring an emergency.

SUBJECT: Medical Liability

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6406 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "COVID-19 Public Health Emergency Limited Liability Act".

B. For purposes of the COVID-19 Public Health Emergency Limited Liability Act:

1. "COVID-19 public health emergency" means any emergency declared by the Governor of Oklahoma related to COVID-19, including but not limited to the emergency declared by the Governor by

Executive Order 2020-07, and any amendments thereto, under the Oklahoma Emergency Management Act of 2003, Section 683.1 et seq. of Title 63 of the Oklahoma Statutes, beginning on March 15, 2020, and the health emergency declared by the Governor by Executive Order 2020-13, and any amendments thereto, under the Catastrophic Health Emergency Powers Act, Section 6101 et seq. of Title 63 of the Oklahoma Statutes, beginning on April 8, 2020;

2. "Health care facility" and "health care provider" shall have the same meaning as such terms are defined as provided in Section 6104 of Title 63 of the Oklahoma Statutes; and

3. "Health care services" means any services provided by a health care facility, health care provider, or by an individual working under the supervision of a health care facility or provider, that relate to the diagnosis, assessment, prevention, treatment, aid, shelter, assistance, or care of illness, disease, injury, or condition.

C. A health care 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 an act or omission by the facility or provider that occurs during the COVID-19 public health emergency, if:

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.

D. In no event shall this act be construed to grant immunity from civil liability for an act or omission in the provision of health care services to a person who did not have a suspected or confirmed diagnosis of COVID-19 at the time of the services.

E. This act shall apply to any civil action filed on or after the effective date of this act. The provisions of this act shall be in effect until October 31, 2020, or until such time as the Governor affirmatively concludes the emergency declarations specified in paragraph 1 of subsection B of this section, whichever is later.

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

Passed the Senate the 6th day of May, 2020.

Brent Howard
Presiding Officer of the Senate

Passed the House of Representatives the 4th day of May, 2020.

Mal L. L. L.
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 6th

day of May, 20 20, at 4:08 o'clock p. M.

By: Summer Cunningham

Approved by the Governor of the State of Oklahoma this 12th

day of 4 May, 20 20, at 9:14 o'clock a. M.

K. S. A.
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 12th

day of May, 20 20, at 9:35 o'clock A. M.

By: Michael Rogers