



2019-2020 General Assembly

# SENATE BILL 704: COVID-19 Recovery Act, Sec. 3D.7: Health Care Liability Protection for Emergency or Disaster Treatment

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<b>Committee:</b>		<b>Date:</b>	October 26, 2020
<b>Introduced by:</b>		<b>Prepared by:</b>	Jason Moran-Bates Staff Attorney
<b>Analysis of:</b>	Sec. 3D.7 of S.L. 2020-3		

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**OVERVIEW:** *Section 3D.7 of S.L. 2020-3 grants health care facilities and providers immunity from civil or criminal liability for acts and omissions in the course of arranging health care services if all of the following apply:*

- *The services are provided pursuant to a COVID-19 emergency.*
- *The health care services are impacted by (1) a provider or facility's decisions in response to the COVID-19 epidemic, or (2) by the decisions or activities, in response to or as a result of the COVID-19 epidemic, of a health care facility or entity where a health care provider provides health care services.*
- *The health care facility or provider is arranging the services in good faith.*

*Immunity does not apply if the damages were caused by willful or intentional misconduct, gross negligence, reckless misconduct, or intentional infliction of harm on the part of the health care facility or provider. Volunteer organizations are immune from liability for damages that occur at their facility unless there was willful or intentional misconduct, gross negligence, reckless misconduct, or intentional infliction of harm on the part of the volunteer organization.*

*This section became effective May 4, 2020, and applies to acts or omissions occurring during the time of Executive Order No. 116 issued on March 10, 2020, by Governor Roy A. Cooper, and any subsequent time period during which a state of emergency is declared to be in effect during calendar year 2020.*

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