

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 4603

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DATE	D-PG	OFFICIAL STATUS
05/12/2020	6479	Introduction and first reading Referred to Health and Human Services Finance and Policy
05/13/2020	6873	Author added Klein
05/15/2020	7049a	Comm report: Amended, No recommendation, re-referred to Judiciary and Public Safety Finance and Policy
		Joint rule 2.03, referred to Rules and Administration
	7053	Author added Jensen

1.1 A bill for an act

1.2 relating to health care; providing criminal, civil, and administrative immunity to

1.3 persons engaged in health care services during the peacetime public health

1.4 emergency; proposing coding for new law in Minnesota Statutes, chapter 604A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 604A.45 **CRIMINAL, CIVIL, AND ADMINISTRATIVE IMMUNITY**

1.7 **FOR HEALTH CARE SERVICES; COVID-19.**

1.8 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have

1.9 the meanings given them.

1.10 (b) "Health care provider organization" means any licensed organization providing health

1.11 care services including, but not limited to, hospitals, medical clinics, dental clinics, medical

1.12 laboratories, dispatch services, and ambulance services.

1.13 (c) "Health care services" means services provided by a responder, regardless of the

1.14 location of where those services are provided, that relate to:

1.15 (1) the diagnosis, prevention, or treatment of COVID-19;

1.16 (2) the assessment or care of an individual with a confirmed or suspected case of

1.17 COVID-19; or

1.18 (3) the care, treatment, services, or procedures to maintain, diagnose, or otherwise affect

1.19 the physical or mental condition of any other individual seeking assistance from a responder

1.20 during the peacetime public health emergency.

1.21 (d) "Home care service provider" means any certified home health agency, enrolled

1.22 personal care assistance provider agency, or licensed home care provider.

2.1 (e) "Long-term care facility" means any licensed boarding care home, nursing home, or
2.2 adult day center, or any registered housing with services establishment.

2.3 (f) "Peacetime public health emergency" means any peacetime emergency declared by
2.4 the governor in an executive order that relates to the infectious disease known as COVID-19.

2.5 (g) "Responder" means any person or organization whether paid or volunteer that provides
2.6 health care services or other health-related services including:

2.7 (1) health care provider organizations and physicians, physician assistants, registered
2.8 and other nurses, certified nursing assistants, and other staff within a health care provider
2.9 organization;

2.10 (2) long-term care facilities and physicians, physician assistants, pharmacists, registered
2.11 and other nurses, certified nursing assistants, therapists, therapist's assistants, and other
2.12 licensed or unlicensed direct care staff of a long-term care facility;

2.13 (3) home care service providers and registered and other nurses, certified home health
2.14 aids, therapists, therapist's assistants, certified personal care assistants, and other licensed
2.15 or unlicensed direct care staff of a home care provider;

2.16 (4) optometrists, pharmacists, chiropractors, dentists, laboratory technicians, morticians,
2.17 and mental health professionals; and

2.18 (5) emergency medical technicians, members of a specialized medical response unit,
2.19 ambulance services personnel, registered first responders, and persons not registered as first
2.20 responders but affiliated with a medical response unit and dispatched by a public safety
2.21 answering point or licensed ambulance service.

2.22 Subd. 2. **Immunity.** Notwithstanding any law to the contrary, except as provided in
2.23 subdivision 3, a responder, acting in good faith, is immune from criminal, civil, or
2.24 administrative liability for any harm or damages resulting from the responder's act or
2.25 omission in the course of performing duties related to the provision of health care services,
2.26 including providing, allocating, withdrawing, or delaying health care services, arising out
2.27 of the state's response to the COVID-19 outbreak during the peacetime public health
2.28 emergency.

2.29 Subd. 3. **Exception.** Subdivision 2 does not apply if the harm or damages were caused
2.30 by an act or omission constituting intentional or reckless misconduct or gross negligence.
2.31 For purposes of this subdivision, an act or omission resulting from a resource or staffing
2.32 shortage does not constitute intentional or reckless misconduct or gross negligence.

- 3.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and
- 3.2 applies retroactively to acts or omissions occurring on or after March 13, 2020.