

State of Minnesota

H. F. No. **4693**

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

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

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

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

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

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

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

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

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

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