

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 605 Session of 2021

INTRODUCED BY ECKER, KEEFER, DUNBAR, JAMES, MIHALEK, KAIL, RYAN, GROVE, GREINER, WARNER, MOUL, MILLARD, KAUFFMAN, O'NEAL, HERSHEY, ZIMMERMAN, ROWE, CAUSER, KLUNK, IRVIN, DOWLING AND ROAE, MARCH 23, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 5, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in arbitration, providing
3 for compulsory arbitration of COVID-19 actions-; AND, IN <--
4 PARTICULAR RIGHTS AND IMMUNITIES, PROVIDING FOR COVID-19-
5 RELATED LIABILITY.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 42 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 7361.1. Compulsory arbitration of COVID-19 actions.

11 (a) General rule.--Actions alleging personal injury or death
12 relating to exposure to COVID-19 shall first be submitted to and
13 heard by a board of three members of the bar of the court.

14 (b) Limitation.--The following shall apply:

15 (1) No matter shall be referred under subsection (a) if
16 the attorney for the plaintiff, or the plaintiff if not
17 represented, files with the complaint a certificate signed by
18 the attorney or party affirming that the personal injury or

1 death resulted from the defendant's failure to comply with
2 public health directives in effect at the time of the alleged
3 misconduct.

4 (2) A separate certificate must be filed as to
5 each defendant against which a claim is asserted.

6 (c) Procedure.--The arbitrators appointed under this section
7 shall have powers and shall proceed as prescribed by general
8 rules of court.

9 (d) Expedited arbitration.--Actions subject to this section
10 shall receive a hearing on an expedited schedule.

11 (e) Appeal for trial de novo.--A party to a matter shall
12 have the right to appeal for trial de novo in the court. The
13 party who takes the appeal shall pay all or a portion of fees
14 and costs and shall comply with other procedures as shall be
15 prescribed by general rules. In the absence of appeal, the
16 judgment entered on the award of the arbitrators shall be
17 enforced as any other judgment of the court. For the purposes of
18 this section and section 5571 (relating to appeals generally),
19 an award of arbitrators constitutes an order of a tribunal.

20 (f) Definitions.--As used in this section, the following
21 words and phrases shall have the meanings given to them in this
22 subsection unless the context clearly indicates otherwise:

23 "COVID-19." The novel coronavirus as identified in the
24 Governor's proclamation of disaster emergency issued on March 6,
25 2020, published at 50 Pa.B. 1644 (March 21, 2020).

26 "Public health directives." Orders or guidelines lawfully
27 issued by the Federal or State Government regarding:

28 (1) The manufacturing, DISTRIBUTION, LABELING or use of <--
29 personal protective equipment during the proclamation of
30 disaster emergency.

1 OF THE HUMAN SERVICES CODE.

2 (3) A FAMILY CHILD CARE HOME AS DEFINED IN SECTION 1001
3 OF THE HUMAN SERVICES CODE.

4 (4) AN INDIVIDUAL EMPLOYED OR CONTRACTED BY A PERSON
5 UNDER PARAGRAPH (1), (2) OR (3).

6 "COVERED PROVIDER." ANY OF THE FOLLOWING:

7 (1) A HEALTH CARE PRACTITIONER AS DEFINED IN SECTION 103
8 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE
9 HEALTH CARE FACILITIES ACT.

10 (2) A HEALTH CARE PROVIDER, INCLUDING A REGISTERED
11 NURSE, LICENSED BY A STATE OR A POLITICAL DIVISION OF THE
12 UNITED STATES. THIS PARAGRAPH INCLUDES LICENSURE PURSUANT TO
13 A WAIVER.

14 (3) A HEALTH CARE FACILITY AS DEFINED IN SECTION 802.1
15 OF THE HEALTH CARE FACILITIES ACT, INCLUDING A HOSPITAL
16 CARING EXCLUSIVELY FOR THE MENTALLY ILL. THIS PARAGRAPH
17 INCLUDES A FACILITY AUTHORIZED TO OPERATE PURSUANT TO A
18 WAIVER.

19 (4) A TEMPORARY SITE OPERATED BY A HEALTH CARE FACILITY
20 UNDER PARAGRAPH (3) DURING THE PROCLAMATION OF DISASTER
21 EMERGENCY.

22 (5) A HEALTH CARE PROVIDER AS DEFINED IN SECTION 103 OF
23 THE HEALTH CARE FACILITIES ACT OR ANOTHER LEGAL ENTITY WHOSE
24 PRIMARY PURPOSE IS THE PROVISION OF MEDICAL CARE FOR A HEALTH
25 CARE PROVIDER.

26 (6) A FACILITY AS DEFINED IN SECTION 1001 OF THE HUMAN
27 SERVICES CODE OR A PARENT ORGANIZATION OF THE FACILITY.

28 (7) A BUSINESS, INSTITUTION OF HIGHER EDUCATION,
29 FACILITY OR ORGANIZATION, WHICH PROVIDES A VENUE FOR THE
30 PROVISION OF MEDICAL CARE.

1 (8) A LICENSED, CERTIFIED, REGISTERED OR AUTHORIZED
2 PERSON PROVIDING EMERGENCY MEDICAL SERVICES AS DEFINED IN 35
3 PA.C.S. § 8103 (RELATING TO DEFINITIONS). THE TERM INCLUDES
4 AN EMERGENCY MEDICAL SERVICES VEHICLE OPERATOR.

5 (9) AN EMERGENCY MEDICAL SERVICES AGENCY AS DEFINED IN
6 35 PA.C.S. § 8103. THIS PARAGRAPH INCLUDES A PARENT
7 ORGANIZATION OF THE AGENCY.

8 (10) A PERSON ENGAGED IN NURSING CARE AS DEFINED IN 28
9 PA. CODE § 201.3 (RELATING TO DEFINITIONS), IF THE NURSING
10 CARE:

11 (I) IS IN SUPPORT OF THE ACTIVITIES OF DAILY LIVING
12 AND OTHER INSTRUMENTAL ACTIVITIES OF DAILY LIVING AS
13 DEFINED IN 55 PA. CODE § 2600.4 (RELATING TO DEFINITIONS)
14 OR 2800.4 (RELATING TO DEFINITIONS) AND OTHER
15 INSTRUMENTAL ACTIVITIES; OR

16 (II) CONSISTS OF COVERED SERVICES WHICH NURSING CARE
17 PROVIDERS ARE OBLIGATED TO DELIVER OR ARRANGE UNDER THEIR
18 REQUIREMENTS OF LICENSURE.

19 (11) A CLINICAL LABORATORY:

20 (I) CERTIFIED UNDER SECTION 353 OF THE PUBLIC HEALTH
21 SERVICE ACT (58 STAT. 682, 42 U.S.C. § 263A); OR

22 (II) LICENSED UNDER THE ACT OF SEPTEMBER 26, 1951
23 (P.L.1539, NO.389), KNOWN AS THE CLINICAL LABORATORY ACT.

24 (12) AN INDIVIDUAL EMPLOYED OR CONTRACTED BY A PERSON
25 UNDER PARAGRAPH (1), (2), (3), (4), (5), (6), (7), (8), (9),
26 (10) OR (11), WHO IS INVOLVED IN PROVIDING MEDICAL CARE.

27 "COVID-19." THE NOVEL CORONAVIRUS AS IDENTIFIED IN THE
28 PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON
29 MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020).

30 "INSTITUTION OF HIGHER EDUCATION." THE TERM INCLUDES ANY OF

1 THE FOLLOWING:

2 (1) A COMMUNITY COLLEGE OPERATING UNDER ARTICLE XIX-A OF
3 THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE
4 PUBLIC SCHOOL CODE OF 1949.

5 (2) THE STATE SYSTEM OF HIGHER EDUCATION. THIS PARAGRAPH
6 INCLUDES A UNIVERSITY WITHIN THE SYSTEM.

7 (3) THE PENNSYLVANIA STATE UNIVERSITY, THE UNIVERSITY OF
8 PITTSBURGH, TEMPLE UNIVERSITY, LINCOLN UNIVERSITY OR AN
9 INSTITUTION DESIGNATED AS STATE-RELATED BY THE COMMONWEALTH.

10 (4) THE THADDEUS STEVENS COLLEGE OF TECHNOLOGY AND THE
11 PENNSYLVANIA COLLEGE OF TECHNOLOGY.

12 (5) A RURAL REGIONAL COLLEGE OPERATING UNDER ARTICLE
13 XIX-G OF THE PUBLIC SCHOOL CODE OF 1949.

14 (6) AN INSTITUTION OF HIGHER EDUCATION LOCATED IN AND
15 INCORPORATED OR CHARTERED BY THE COMMONWEALTH AND ENTITLED TO
16 CONFER DEGREES UNDER 24 PA.C.S. § 6505 (RELATING TO POWER TO
17 CONFER DEGREES) AND AS PROVIDED FOR BY THE STANDARDS AND
18 QUALIFICATIONS PRESCRIBED BY THE STATE BOARD OF EDUCATION
19 UNDER 24 PA.C.S. CH. 65 (RELATING TO PRIVATE COLLEGES,
20 UNIVERSITIES AND SEMINARIES).

21 (7) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF DECEMBER
22 15, 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE LICENSED
23 SCHOOLS ACT.

24 (8) A FOREIGN CORPORATION APPROVED TO OPERATE AN
25 EDUCATIONAL ENTERPRISE UNDER 22 PA. CODE CH. 36 (RELATING TO
26 FOREIGN CORPORATION STANDARDS).

27 (9) A COMMUNITY EDUCATION COUNCIL OPERATING UNDER
28 ARTICLE XIX-D OF THE PUBLIC SCHOOL CODE OF 1949.

29 "LOCAL GOVERNMENTAL UNIT." A MUNICIPALITY OR LOCAL
30 AUTHORITY.

1 "PERSON." A NATURAL PERSON, CORPORATION, FIRM, ASSOCIATION,
2 ORGANIZATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, BUSINESS,
3 TRUST, BUSINESS TRUST, ESTATE OR FOUNDATION.

4 "PERSONAL PROTECTIVE EQUIPMENT." A DEVICE, EQUIPMENT,
5 SUBSTANCE OR MATERIAL, RECOMMENDED BY THE CENTERS FOR DISEASE
6 CONTROL AND PREVENTION, FOOD AND DRUG ADMINISTRATION,
7 ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT OF HOMELAND SECURITY
8 OR ANOTHER FEDERAL AUTHORITY OR THE DEPARTMENT OF HEALTH TO
9 PREVENT, LIMIT OR SLOW THE SPREAD OF COVID-19, SUCH AS
10 RESPIRATORS, MASKS, SURGICAL APPAREL, GOWNS, GLOVES AND OTHER
11 APPAREL INTENDED FOR A MEDICAL PURPOSE. THE TERM INCLUDES
12 SANITIZERS AND DISINFECTANTS.

13 "PROCLAMATION OF DISASTER EMERGENCY." A PROCLAMATION OF
14 DISASTER EMERGENCY ISSUED BY THE GOVERNOR RELATING TO COVID-19
15 AND ANY RENEWAL OF THE STATE OF DISASTER EMERGENCY, INCLUDING
16 THE PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON
17 MARCH 6, 2020, PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), AND
18 ANY RENEWAL OF THE STATE OF DISASTER EMERGENCY.

19 "PUBLIC HEALTH DIRECTIVES." ORDERS OR GUIDELINES ISSUED BY
20 THE FEDERAL OR STATE GOVERNMENT REGARDING ANY OF THE FOLLOWING:

21 (1) THE MANUFACTURING, DISTRIBUTION, LABELING OR USE OF
22 PERSONAL PROTECTIVE EQUIPMENT DURING THE PROCLAMATION OF
23 DISASTER EMERGENCY.

24 (2) TREATMENT OR TESTING OF INDIVIDUALS WITH OR
25 REASONABLY BELIEVED TO HAVE COVID-19.

26 (3) STEPS NECESSARY OR RECOMMENDED TO PREVENT, LIMIT OR
27 SLOW THE SPREAD OF COVID-19.

28 "SCHOOL ENTITY." ANY SCHOOL DISTRICT, CHARTER SCHOOL, CYBER
29 CHARTER SCHOOL, REGIONAL CHARTER SCHOOL, CHARTERED SCHOOL FOR
30 THE DEAF AND BLIND, PRIVATE SCHOOL, NONPUBLIC SCHOOL,

1 PREKINDERGARTEN, INTERMEDIATE UNIT, AREA CAREER AND TECHNICAL
2 SCHOOL, APPROVED PRIVATE SCHOOL OR INSTITUTION OF HIGHER
3 EDUCATION OPERATING WITHIN THIS COMMONWEALTH. THE TERM INCLUDES
4 AN INDIVIDUAL EMPLOYED BY OR CONTRACTED BY A SCHOOL ENTITY.

5 § 8368.12. SCHOOL AND CHILD CARE LIABILITY.

6 (A) LIMITED LIABILITY.--NOTWITHSTANDING ANY OTHER PROVISION
7 OF LAW, A SCHOOL ENTITY OR CHILD-CARE FACILITY SHALL NOT BE
8 CIVILLY LIABLE FOR DAMAGES OR PERSONAL INJURY RELATING TO AN
9 ACTUAL OR ALLEGED EXPOSURE TO COVID-19, ABSENT A SHOWING, BY
10 CLEAR AND CONVINCING EVIDENCE, OF GROSS NEGLIGENCE,
11 RECKLESSNESS, WILLFUL MISCONDUCT OR INTENTIONAL INFLECTION OF
12 HARM.

13 (B) COMPLIANCE WITH PUBLIC HEALTH DIRECTIVES.--AN ACT OR
14 OMISSION IN COMPLIANCE WITH, OR IN A GOOD FAITH BELIEF THAT THE
15 ACT OR OMISSION IS IN COMPLIANCE WITH, PUBLIC HEALTH DIRECTIVES
16 SHALL NOT BE CONSIDERED GROSS NEGLIGENCE, RECKLESSNESS, WILLFUL
17 MISCONDUCT OR INTENTIONAL INFLECTION OF HARM.

18 § 8368.13. PERSONAL PROTECTIVE EQUIPMENT LIABILITY.

19 (A) MANUFACTURERS, DISTRIBUTORS AND LABELERS.--ALL OF THE
20 FOLLOWING APPLY:

21 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON
22 THAT MANUFACTURES, DISTRIBUTES OR LABELS PERSONAL PROTECTIVE
23 EQUIPMENT SHALL NOT BE CIVILLY LIABLE FOR DAMAGES OR PERSONAL
24 INJURY RELATED TO ACTUAL OR ALLEGED EXPOSURE TO COVID-19 IN
25 CONNECTION WITH THE USE OF PERSONAL PROTECTIVE EQUIPMENT,
26 ABSENT A SHOWING, BY CLEAR AND CONVINCING EVIDENCE, OF GROSS
27 NEGLECT, RECKLESSNESS, WILLFUL MISCONDUCT OR INTENTIONAL
28 INFLECTION OF HARM IF THE PERSON COMMENCED MANUFACTURING,
29 DISTRIBUTING OR LABELING:

30 (I) ONLY IN CONNECTION WITH A PROCLAMATION OF

1 DISASTER EMERGENCY; OR

2 (II) IN ACCORD WITH THE SAME STANDARDS TO WHICH IT
3 MANUFACTURED, DISTRIBUTED OR LABELED THE EQUIPMENT BEFORE
4 A PROCLAMATION OF DISASTER EMERGENCY, UNLESS THE
5 EQUIPMENT IS CLEARLY LABELED TO INDICATE OTHERWISE.

6 (2) AN ACT OR OMISSION IN COMPLIANCE WITH, OR IN A GOOD
7 FAITH BELIEF THAT THE ACT OR OMISSION WAS IN COMPLIANCE WITH,
8 PUBLIC HEALTH DIRECTIVES SHALL NOT BE CONSIDERED GROSS
9 NEGLIGENCE, RECKLESSNESS, WILLFUL MISCONDUCT OR INTENTIONAL
10 INFLICTION OF HARM.

11 (B) USERS.--

12 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON
13 THAT USES OR EMPLOYS PERSONAL PROTECTIVE EQUIPMENT DURING THE
14 PROCLAMATION OF DISASTER EMERGENCY IN COMPLIANCE WITH PUBLIC
15 HEALTH DIRECTIVES RELATED TO THE PERSONAL PROTECTIVE
16 EQUIPMENT SHALL NOT BE CIVILLY LIABLE FOR DAMAGES OR PERSONAL
17 INJURY RELATED TO USE OF THE PERSONAL PROTECTIVE EQUIPMENT,
18 ABSENT A SHOWING, BY CLEAR AND CONVINCING EVIDENCE, OF GROSS
19 NEGLIGENCE, RECKLESSNESS, WILLFUL MISCONDUCT OR INTENTIONAL
20 INFLICTION OF HARM.

21 (2) AN ACT OR OMISSION IN COMPLIANCE WITH, OR IN A GOOD
22 FAITH BELIEF THAT THE ACT OR OMISSION WAS IN COMPLIANCE WITH,
23 PUBLIC HEALTH DIRECTIVES SHALL NOT BE CONSIDERED GROSS
24 NEGLIGENCE, RECKLESSNESS, WILLFUL MISCONDUCT OR INTENTIONAL
25 INFLICTION OF HARM.

26 (C) FEDERAL PROTECTIONS.--THIS SECTION APPLIES ONLY TO A
27 PERSON WHO DOES NOT ENJOY LIABILITY PROTECTIONS UNDER THE PUBLIC
28 READINESS AND EMERGENCY PREPAREDNESS (PREP) ACT (42 U.S.C. §
29 247D-6D ET SEQ.).
30 § 8368.14. BUSINESS OR GOVERNMENT SERVICES LIABILITY.

1 (A) LIMITED LIABILITY.--NOTWITHSTANDING ANY OTHER PROVISION
2 OF LAW, A PERSON PROVIDING BUSINESS OR GOVERNMENT SERVICES SHALL
3 NOT BE CIVILLY LIABLE FOR DAMAGES OR PERSONAL INJURY, RELATED TO
4 AN ACTUAL OR ALLEGED EXPOSURE TO COVID-19, ABSENT A SHOWING, BY
5 CLEAR AND CONVINCING EVIDENCE, OF GROSS NEGLIGENCE,
6 RECKLESSNESS, WILLFUL MISCONDUCT OR INTENTIONAL INFLICTION OF
7 HARM.

8 (B) COMPLIANCE WITH PUBLIC HEALTH DIRECTIVES.--AN ACT OR
9 OMISSION IN COMPLIANCE WITH, OR IN A GOOD FAITH BELIEF THAT THE
10 ACT OR OMISSION IS IN COMPLIANCE WITH, PUBLIC HEALTH DIRECTIVES
11 SHALL NOT BE CONSIDERED GROSS NEGLIGENCE, RECKLESSNESS, WILLFUL
12 MISCONDUCT OR INTENTIONAL INFLICTION OF HARM.

13 § 8368.15. COVERED PROVIDER LIABILITY.

14 (A) LIMITED LIABILITY.--NOTWITHSTANDING ANY OTHER PROVISION
15 OF LAW, A COVERED PROVIDER SHALL NOT BE CIVILLY LIABLE FOR
16 DAMAGES OR PERSONAL INJURY, RELATED TO ANY OF THE FOLLOWING,
17 ABSENT A SHOWING, BY CLEAR AND CONVINCING EVIDENCE, OF GROSS
18 NEGLIGENCE, RECKLESSNESS, WILLFUL MISCONDUCT OR INTENTIONAL
19 INFLICTION OF HARM:

20 (1) PROVISION OF TREATMENT OR TESTING FOR COVID-19 TO
21 PATIENTS WHO HAVE BEEN EXPOSED TO OR WHOM A COVERED PROVIDER
22 REASONABLY BELIEVES MAY HAVE BEEN EXPOSED TO COVID-19.

23 (2) AN ACT OR OMISSION PROXIMATELY CAUSED BY:

24 (I) SHORTAGE OF EQUIPMENT, SUPPLIES OR PERSONNEL
25 WHICH:

26 (A) WAS A DIRECT RESULT OF THE DEMAND FOR
27 TESTING FOR OR TREATMENT OF COVID-19; AND

28 (B) WAS BEYOND THE REASONABLE CONTROL OF THE
29 COVERED PROVIDER;

30 (II) A NUMBER OF PATIENTS IN EXCESS OF THE CAPACITY

1 OF A DEPARTMENT OR OF A UNIT OF A COVERED PROVIDER AS A
2 DIRECT RESULT OF THE NEED TO TEST FOR OR TREAT COVID-19;
3 OR

4 (III) COMPLIANCE WITH PUBLIC HEALTH DIRECTIVES
5 REGARDING THE TESTING FOR AND TREATMENT OF COVID-19.

6 (B) COMPLIANCE WITH PUBLIC HEALTH DIRECTIVES.--AN ACT OR
7 OMISSION BY A COVERED PROVIDER IN COMPLIANCE WITH, OR IN A GOOD
8 FAITH BELIEF THAT THE ACT OR OMISSION WAS IN COMPLIANCE WITH,
9 PUBLIC HEALTH DIRECTIVES SHALL NOT BE CONSIDERED GROSS
10 NEGLIGENCE, RECKLESSNESS, WILLFUL MISCONDUCT OR INTENTIONAL
11 INFLICTION OF HARM.

12 § 8368.16. APPLICATION OF SUBCHAPTER.

13 (A) VICARIOUS LIABILITY.--VICARIOUS LIABILITY SHALL NOT
14 ATTACH TO THE EMPLOYER OF AN INDIVIDUAL WHO IS OTHERWISE IMMUNE
15 UNDER THIS SUBCHAPTER OR AN EXECUTIVE ORDER.

16 (B) PUBLIC HEALTH DIRECTIVES.--IN DETERMINING CIVIL
17 LIABILITY UNDER THIS SUBCHAPTER, A COURT SHALL:

18 (1) FOR A MANUFACTURER, DISTRIBUTOR, LABELER OR USER,
19 CONSIDER PUBLIC HEALTH DIRECTIVES WHICH WERE IN EFFECT AT THE
20 TIME OF THE MANUFACTURE, DISTRIBUTION, LABELING, SALE OR USE
21 OF THE PERSONAL PROTECTIVE EQUIPMENT.

22 (2) FOR A PERSON PROVIDING BUSINESS OR GOVERNMENT
23 SERVICES, USER OF PERSONAL PROTECTIVE EQUIPMENT, SCHOOL
24 ENTITY OR CHILD-CARE FACILITY, CONSIDER PUBLIC HEALTH
25 DIRECTIVES WHICH WERE IN EFFECT AT THE TIME AN ALLEGED ACT OR
26 OMISSION OCCURRED.

27 (3) FOR A COVERED PROVIDER, CONSIDER PUBLIC HEALTH
28 DIRECTIVES WHICH WERE IN EFFECT AT THE TIME AN ALLEGED ACT OR
29 OMISSION OCCURRED.

30 (C) PROCLAMATION OF DISASTER EMERGENCY.--THIS SUBCHAPTER

1 SHALL APPLY TO ACTS OR OMISSIONS DURING A PROCLAMATION OF
2 DISASTER EMERGENCY.

3 § 8368.17. CONSTRUCTION OF SUBCHAPTER.

4 THIS SUBCHAPTER SHALL NOT BE CONSTRUED TO:

5 (1) CREATE A NEW CAUSE OF ACTION;

6 (2) EXPAND A CIVIL OR CRIMINAL LIABILITY OTHERWISE
7 IMPOSED;

8 (3) LIMIT A DEFENSE;

9 (4) AFFECT THE APPLICABILITY OF A STATUTE WHICH AFFORDS
10 GREATER PROTECTIONS TO DEFENDANTS THAN ARE PROVIDED UNDER
11 THIS SUBCHAPTER; OR

12 (5) PREVENT AN INDIVIDUAL FROM FILING A CLAIM OR
13 RECEIVING BENEFITS UNDER THE ACT OF JUNE 2, 1915 (P.L.736,
14 NO.338), KNOWN AS THE WORKERS' COMPENSATION ACT, IF OTHERWISE
15 AVAILABLE.

16 Section 2 3. The addition of 42 Pa.C.S. § 7361.1 may not: <--

17 (1) Be construed to create a new cause of action
18 or expand any civil or criminal liability otherwise imposed
19 or limit any defense.

20 (2) Prevent an individual from filing a claim
21 for workers' compensation or receiving benefits under the act
22 of June 2, 1915 (P.L.736, No.338), known as the Workers'
23 Compensation Act, if otherwise available.

24 SECTION 4. THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY <--
25 PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR
26 CIRCUMSTANCES IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT
27 OTHER PROVISIONS OR APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN
28 EFFECT WITHOUT THE INVALID PROVISIONS OR APPLICATION.

29 Section 3 5. This act shall take effect immediately. <--